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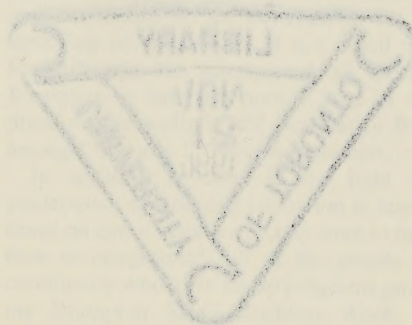




# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

**Monday 23 October 1989**

**Speaker: Honourable Hugh A. Edighoffer**

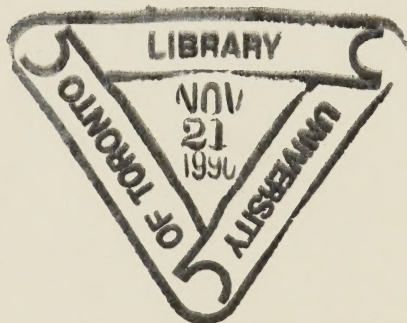
**Clerk of the House: Claude L. DesRosiers**



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 23 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### HOSPITAL SERVICES

**Mr Mackenzie:** It is apparent over the last two weeks that the promise made by the Minister of Health (Mrs Caplan) in June 1989 to establish critical care hotlines for physicians is not being kept. Each region of the province was to have a network operating this year, yet doctors around the province have heard nothing since the minister's premature announcement.

Even in areas where such an integrated trauma or critical care hotline has been fully developed, officials associated with setting up such a hotline find themselves waiting for the go-ahead from the Ministry of Health. The hotline I am talking about is the REACH line that has been established in Hamilton. REACH stands for the Regional Enquiry and Access to on-Call Health professionals, which will give doctors from Oakville to Niagara immediate, round-the-clock access to 250 medical specialists in Hamilton hospitals. Yet the hotline remains inoperative as it awaits ministerial approval.

The case of the REACH hotline is just another example of the Minister of Health's total inability to deal effectively with the needs of critically ill patients in the province of Ontario.

### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Jackson:** Last Wednesday, 8,800 college teachers, librarians and counsellors went out on strike, interrupting classes for some 110,000 community college students. The Minister of Education (Mr Conway) has stated that the government will not be intervening in this dispute. This position counters statements made by the Premier (Mr Peterson) back in 1984 when he was Leader of the Opposition. At that time, he repeatedly called on the Minister of Education to resolve that matter and intervene in the strike.

The minister has justified his position by saying "there can be no doubt that both parties have it within their power to resolve this at the table." But given the fact that there are no

meetings scheduled for two weeks, how can the minister expect the two sides to resolve this dispute? Meanwhile, he is jeopardizing the academic careers of 110,000 students.

Rather than sitting on its hands, the government should take a direct role in getting the two sides back together. This simple solution will help bring about a quick and reasonable settlement so that students can get back to the classroom as quickly as possible. Once again, the Liberals are demonstrating their lack of leadership on this important issue in our province. It brings into question their commitment to Ontario's community colleges and the students they serve.

### PORTRAIT OF WILLIAM DAVIS

#### BRAMPTON SMALL BUSINESS WEEK

**Mr Callahan:** I am pleased to rise to join with the Premier (Mr Peterson) in congratulating my predecessor, the former Premier William Davis, and his family on the occasion of the formal unveiling of his portrait. It is a proud moment for Bill and his family and all citizens of Brampton to have his portrait take its rightful place on the walls of the Legislative Building among Ontario's 17 previous premiers.

In addition to that, in the light of my predecessor mentioning Brampton at least three times on every occasion, I also want to take this time to congratulate all of the people in my community who have set up programs proclaiming Brampton Small Business Week. Small business, of course, is the backbone of this province, and specifically in Brampton some 5,545 businesses are in existence; 4,714 of those have under 20 employees, a significant contribution to the small business milieu. Some \$2.75 billion are generated by these small businesses.

I want to congratulate the board of trade, all levels of government, all those people involved in making this a successful week.

### PORTABLE RAILWAY TIE EXTRACTOR AND INSERTER

**Mr Kormos:** I want to share with this House the unveiling last week of a remarkable and innovative new product manufactured and indeed with its design source in Thorold, right in



the heart of the Niagara Peninsula. Elio Pierobon and his son Paul Pierobon, a company called EPP Track Equipment Ltd, along with John Verhage of Hydraserv Ltd, unveiled to the public and the press its new portable tie extractor and inserter. Entirely Canadian-manufactured, it is designed to simplify the removal and insertion of both wood and concrete ties anywhere along the rail system without the need of holding up normal traffic.

The main feature of this unit is its portability. The unit can be transported to and from the work site in the back of a conventional pickup truck with an eight-foot box and it is equipped with carrying handles so that it can be moved across rough terrain without undue personnel injury.

What this does is sit on the track and then bulldoze the tie through any packed or loose substrata. The new tie is put into the space vacated by the old tie. This unit is capable of handling all sizes of ties, both standard and switch ties, on all conventional sizes of rails and it is capable of extracting or inserting 40 ties per hour. Already three people are employed in the manufacture; it is expected that six will be. It is a wonderful new product, and these people are to be congratulated.

#### NATIONAL SMALL BUSINESS WEEK

**Mr Harris:** This is National Small Business Week in Canada, but Ontario small business people should be wearing black armbands. In Ontario we should call it Small Business Memorial Week, because the Liberal government seems determined to put small business out of business. One small business spokesman said recently that Ontario is "rapidly becoming a bureaucrat's paradise" and, I would add, a hell for entrepreneurs.

The proposed employer health tax is but the most recent example of this government's hostility towards the men and women whose efforts and enterprise are responsible for the creation of more than 70 per cent of all net new jobs in this province. The Treasurer (Mr R. F. Nixon) implies that the EHT is no big deal for small businesses and will cost them less than five cents an hour at the minimum wage. Of course, if the Treasurer was not spending \$4.7 million an hour, every hour of every day of the year, he would not need to soak small business with this new tax.

This negative and hostile attitude towards small business explains why John Bulloch, head of the Canadian Federation of Independent Business, said this Liberal government is the

most antibusiness government he has ever dealt with in 20 years. If the members of that administration who serve on the committee of parliamentary assistants for small business were genuinely interested in the future of small business, they would use this occasion of National Small Business Week to resign in protest.

**1340**

#### PASSENGER RAIL SERVICES

**Mr Neumann:** The government of Canada is demonstrating remarkable disdain for the citizens of this country through its callous handling of the Via Rail cuts. The standing committee on transport courageously decided to hold public hearings on these cuts, yet the Prime Minister and his Minister of Transport, with stubborn determination, are surreptitiously moving to implement these cuts through order in council. A government operating in good faith would delay any cuts until communities have had a chance to determine the impact and the MPs on the committee have concluded their review.

It is clearly evident that both the municipal and provincial levels of government will be affected by cuts to Via service, yet there was next to no consultation with these important community representatives prior to the Honourable Mr Bouchard's announcement of several weeks ago.

Last week, the Minister of Transportation (Mr Wrye) held meetings with communities most affected by these cuts. I commend the minister for this initiative and for his support for a moratorium on implementation of Via cuts so that their full impact can be assessed and adjustments made in the context of a comprehensive transportation strategy which views passenger rail service as important to Canada's future.

Prime Minister, the Via Rail fight is not over. I intend to continue my efforts to work closely with our community in pressing Ottawa to abandon this shortsighted policy. Canadians need their trains. Do not shortchange our future.

#### CORRECTIONAL FACILITIES

**Mr Breagh:** Members will be aware probably that this morning at the Whitby Jail inmates were detained in their cells. This follows a pattern of problems that have occurred throughout the correctional system across the province of overcrowding. It follows hard on the heels of allegations made last weekend that at the Whitby Jail, as an example, 20 prisoners who were sentenced to serve weekend sentences were



turned away simply because there was no room at the jail to accommodate them.

It is rumoured in the newspapers that this is part of the end result of a crackdown on drug usage and more jail sentences being handed out. Whatever is the root source, surely the government must recognize that this is an intolerable situation. We are talking about the safety both of people who work as correctional officers in the jail system and of the volunteers who go in and work in the jails.

Whether or not this government chooses to provide other than institutionalization for people who are sentenced by the courts, surely the government must recognize that it is a mockery of the whole judicial system to put people through that process and, as the end result, have people turned loose on the streets not because we thought about it and designed some new program that is more effective, but simply because there was no room in the jail to accommodate the prisoners who the courts said should be there.

#### DEINSTITUTIONALIZATION

**Mr Cousens:** More has to be done if deinstitutionalization of our disabled citizens is to be successful. This government continues to be bigger on rhetoric than it is on action when it comes to all types of community-based services and health support.

This is no more apparent than in the case of Louis Kirou, a 19-year-old resident of a group home for disabled persons. Because he has reached the age of adulthood, he can no longer remain a resident of a children's group home, but there are no adult places for him to go. Government officials, advocates for disabled persons and community care workers have been trying to find a home for Louis for about two years, but the search has been unsuccessful.

The waiting list for group homes is about two years long and may grow to seven years long if this government continues to use rhetoric instead of action to provide bricks and mortar for disabled persons. We on this side of the House think that it is high time that the government began to provide real community-based services rather than studying the possibility of expanding these services.

There are many ways we can solve these problems for people: work with the councils; work with the communities; invest in projects and programs that will help people. This government is high on talk and low on action.

#### DAIRY INDUSTRY

**Mr Tatham:** GATT negotiations: Did members ever hear the story Sam Slick told about

selling his horse? It was a good-looking animal and fast, but as a young colt it had fallen through a bridge and ever after that horse would not cross a bridge. Sam sold the horse for big dollars and the new owner lost two buggies that the horse kicked to flinders when he refused to go over a bridge. That is one for Sam.

The dairy industry in the United States is attempting to break into the Canadian market through the use of the GATT panel ruling. The United States is able to protect its own dairy industry while trying to gain inroads in Ontario markets. Under the Canada-US free trade agreement, existing US law remains in place. The United States has a waiver from GATT which allows it to protect the dairy industry while Canada has no such waiver. The United States, in turn, is able to evoke its section 22 waiver and not allow any imports of ice cream into the United States. How much are you asking for that horse, Sam?

#### VISITORS

**The Speaker:** That completes the allotted time for members' statements.

I would like to ask all members of the assembly to recognize in the Speaker's gallery a delegation from the United Kingdom. There are six members of Parliament in the delegation, and they are Marion Roe, MP, leader of the delegation; Cecil Franks, MP; Andrew Hargreaves, MP; Allen MacKay, MP, Austin Mitchell, MP, and Allan Roberts, MP. Also joining them is John Brown, the British consul general. Please join me in welcoming our guests in the gallery today.

#### ANNIVERSARY OF HUNGARIAN REVOLUTION

**Mr B. Rae:** On a point of order, Mr Speaker: I wonder if I might have the unanimous consent of the House to make a statement regarding the historic events in Budapest over the weekend.

**The Speaker:** Is there unanimous consent?

Agreed to.

**Mr B. Rae:** I thought the House might want the opportunity to reflect on the fact that today, which marks the 32nd anniversary of the uprising in Hungary, is also an occasion, this weekend, when thousands of people have been gathered in the central square in Budapest to commemorate and celebrate the proclamation of a new constitution and the celebration of a new constitution for the republic of Hungary, which marks, I think all of us would agree, a truly historic turn of events.



All of us in this House have made friends and associated and celebrated with Hungarians who came here in 1957 and who were made refugees by the tragic events of that time. They have made a remarkable contribution to our national life, as they have to the lives of many, many countries around the world.

One of the most fascinating features of the events over the weekend was the statement that was made at the time of the declaration of the republic, not only recognition of the historic tragedy of the events of 1957, but also a determination on the part of the Hungarian people to create a multiparty system, to create a true democracy, the ending of the Communist party of Hungary itself, its self-dissolution and an ending of the worst features of a totalitarian system which is now, it can truly be said, a system which is at an end.

There was also a determination on the part of the Hungarian people to reach out, not only to establish renewed ties and links with other parties around the world and with democracies around the world, but also to make ties with Hungarians who left Hungary in 1957 and before and after 1957. I simply wanted to draw the attention of the House to this turn of events in Hungary. We are going to have Lech Walesa here in two and a half weeks, a man who led a movement many of whose leaders were in jail just a few short years ago. That movement is now a part of the government of Poland.

These are truly historical events, events of tremendous importance to all of us and to all of the people of Canada. I thought it would be appropriate for us to draw attention to it and to reflect in our minds what we might do in this assembly to improve our ties with those democratic assemblies which are growing in eastern Europe and to think of practical ways in which we can be of assistance in making sure that the light of freedom, that the light of democracy is a light that, once lit in eastern Europe, will never, ever be extinguished again.

**1350**

**Mr Jackson:** I too wish to rise, on behalf of the Progressive Conservative Party, to acknowledge the events today in Hungary as well as the historical footnote for all freedom-loving peoples around the world; that is, the Hungarian Revolution.

In 1956, we know that Hungary began to experience a whole nationhood falling under the spirit of oppression and the weight of the communist system under Joseph Stalin. In response to peaceful demonstrations in neigh-

bouring Poland, Hungarians eagerly took to the streets to express their own sense of hope for their future, only to be met with military confrontation at a radio station in their capital city, a radio station that was an instrument for government disinformation, a radio station that was the home base for secret police activities.

History well documents what happened. The revolution was short-lived. It was gallant. Yet the Hungarian Revolution has continued to this day under a very different form and under very different political conditions.

The hope for freedom has taken on a unique expression in the eastern Europe of 1989. Bullets are no longer being shot at unarmed crowds and the throngs in the streets no longer are being harmed just because they are looking for bread, yet that same determination is there in the hearts and minds of the Hungarian people as it was in 1956.

The Hungarian people today are closer to that dream that inspired their fathers in 1956 than ever before in this century. Hungary today is a republic. Hungary today has annulled its communist linkages, its Communist Party and its stumbling blocks in its efforts to achieve a better standard of living for its people as well as democratic freedoms for its government and its people.

Hungary today is different, as is all of eastern Europe, in ways unforeseen. The martyrs of the revolution died in 1956, but they have engendered a new hope and a new vision that is just now beginning to be experienced.

On behalf of the Progressive Conservative Party, I would like to express my sincere congratulations to all Canadians of Hungarian descent on this very special day in their history. I also extend to them and their brothers and sisters in Hungary our congratulations on a job well done. It should serve as a sobering reminder to all of us here in Canada, who often take the freedoms we enjoy too much for granted, of the difficulty and sacrifice it takes to regain lost democratic ground.

**Hon Mr Wong:** I would be more than pleased to make a statement today on behalf of the government with respect to this very special day today. This is a time of remembrance, particularly for all people concerned and interested in freedom in the world. Thirty-three years ago the world witnessed a very historic event in Hungary, and shortly thereafter 38,000 people of Hungarian origin came to Canada and many of them settled in Ontario.

Until today, this particular day of 23 October, never had this day been publicly acknowledged or celebrated in Hungary, but today we are witnessing a very important event that is not only symbolic but real. It evidences the beginning of positive changes, I believe, that are taking place in Hungarian society. We hope that the measures that are going to be taken by the Hungarian people will usher in constructive reforms for the future.

I would like to join with my colleagues from the other parties in commemorating this significant date and at the same time say to all of our Canadian friends of Hungarian descent and origin that we are pleased to mark this very significant day in history with them.

## STATEMENTS BY THE MINISTRY

### AUTOMOBILE INSURANCE

**Hon Mr Elston:** Today I will be introducing legislation which will ensure affordable auto insurance rates and a comprehensive accident benefit plan to protect the more than six million drivers in Ontario.

The motorists of this province want two things. They want stable insurance rates. Skyrocketing insurance premiums will not be tolerated. People expect to be treated fairly and this government will make sure that they are. Drivers want to be well protected in the event they are hurt in auto accidents. That is why they pay premiums in the first place, and what they do not need while they are recovering are long delays and excessive legal expenses.

Our plan will return more of the premium dollar to those who need it, the injured victims. The Ontario motorist protection plan, which has its foundations in this proposed legislation, will meet these very important social needs. It will do so in a balanced and responsible manner.

The Ontario motorist protection plan is a comprehensive program. The system itself will be reformed in this new legislation so that consumers get premium savings and improved benefit protection. The underlying causes of higher insurance rates—accidents and injuries on our roads—will be addressed through a number of other initiatives so that premiums remain affordable in the future.

Other highlights of the package are swift payment of accident benefits without the need to sue; greatly improved levels of payments; more people than ever before will be eligible for income replacement benefits including seniors, students and the unemployed; child care benefits will be available for the first time and income

replacement for unpaid homemakers will be more than doubled; the freedom and flexibility to purchase additional insurance for even greater protection will be provided; a new, strong regulatory authority; a speedy and accessible system for resolving disputes; continued access to the courts in cases of serious injury and death; strong deterrents to bad driving; new measures to reduce accidents and improve highway safety; enhanced consumer protection; reform of the tort system.

First, let me deal with premium savings.

Bodily injuries totalled \$1.8 million in 1988. It is estimated that accident victims received only between 60 and 70 cents of every dollar paid with respect to those claims. The rest goes to pay legal and other settlement expenses. These costs have to be paid by someone and that someone is every driver through substantially higher premiums.

To maintain this system and its expanding volume of litigation, it is estimated that drivers in Ontario would have to pay average premium increases of between 30 and 35 per cent next year. Clearly, such large increases are unacceptable. They are unacceptable to the general motorist, to the people who must drive for their livelihood, to seniors whose mobility means independence and to the government which must act in the public interest.

That is why the government is introducing this legislation. These important reforms will result in significant savings for consumers. Under the new system, average premiums will not increase at all for rural drivers and will rise only eight per cent for urban motorists next year.

At the same time, the new plan ensures that anyone hurt in an automobile accident will receive higher levels of guaranteed benefits. Those who are injured will be eligible for up to \$1 million of supplementary medical, rehabilitation and long-term care. Income replacement benefits will be more than tripled, to \$450 per week.

Under the new plan, coverage will be broadened. For the first time, students, seniors and the unemployed will be entitled to income replacement benefits. Child care benefits will also be provided for the first time. Income replacement for unpaid homemakers will be more than doubled and the period of benefit coverage will be extended to the same as for employed persons.

Optional insurance coverage will be available for even greater accident benefit protection. Consumers will be able to tailor their insurance to their individual needs.

These reforms will accomplish the twin goals of premium savings and improved accident



benefits by reducing the need to sue. The vast majority of people involved in auto accidents suffer only minor injuries and they will be well protected by the higher levels of guaranteed benefits available in the new plan.

Injured victims will not have to pay expensive legal fees or wait months, and sometimes years, for compensation. Thus there will be no need to sue in about 90 per cent of all cases. In the remaining cases, those involving serious injury or death, higher compensation levels may be required and therefore access to the courts will be maintained. Guaranteed accident benefits will also be paid to these individuals or their estates, thereby providing support during the litigation process.

By reserving the courts for the most serious cases and reducing the amount of litigation in the system, significant savings can be achieved, savings which can be passed on to the consumer in the form of lower insurance rates and higher benefits. Under the new system, guaranteed accident benefits will be delivered within 10 to 30 days. Insurance companies will face substantial penalties for not paying on time. Additionally, a system of accessible and speedy dispute resolution will be available.

#### **1400**

This is a dramatic improvement over the current tort-based system in which injured victims often have to wait years for compensation. The Ontario motorist protection plan will avoid the severe financial strain on families that long delays and cost of litigation often cause.

Timely delivery of benefits is especially important in promoting rehabilitation, because early treatment is often critical to recovery. The Ontario motorist protection plan will ensure that injured victims receive the immediate care they need without having to spend their family savings or go into debt while waiting for a possible court award or a settlement. The costs of long-term care will also be covered as a guaranteed benefit for the first time under the new plan.

I want to emphasize that the Ontario motorist protection plan is not designed to protect the bad drivers of the province. It will penalize them more than ever. Deterrents will be a key component of the system. Fault will continue to be used for rating purposes. That means good driving records will be reflected in preferred insurance rates and bad drivers will be paying higher premiums.

Additionally, the new plan recognizes that the cost of insurance is directly related to the number

and severity of accidents on the roads. In order to address these underlying causes of higher insurance rates, a series of initiatives will be introduced by the government over the next several months.

These will include increased fines for speeding and other traffic offences; more enforcement on our major highways by the Ontario Provincial Police; driver safety promotion in the workplace; public education campaigns to promote the use of seatbelts, which has already begun, and daytime running lights for all automobiles; a new program requiring drunk driver repeat offenders to seek treatment and produce proof of having effectively dealt with their problem before their licences are reinstated.

We believe that the best deterrence to bad driving comes from criminal sanctions, higher insurance premiums for bad drivers, vigilant enforcement and better education.

People who are injured require care and rehabilitation whether they are deemed to be innocent or at fault in accidents. That is why, under the new system, all motorists will receive guaranteed accident benefits regardless of fault. This means that if someone causes an accident, perhaps because of a moment's inattention, that person's family will not be burdened with a lifetime of debt. The costs of rehabilitation, as well as income replacement benefits, will be provided.

What we are proposing, then, is a new social safety net. The social objective is to provide everyone injured in an automobile accident with the compensation needed to return to as normal a life as quickly as possible.

Insurance companies will be subject to a tough new regulatory regime. A new insurance commission will have broad powers of intervention and enforcement. It will be responsible for ensuring that accident victims receive prompt compensation and that disputes are resolved quickly through mediation and arbitration. The insurance commission will also be responsible for protecting the interests of consumers and regulating rates.

There are many other measures designed to help protect consumers in this legislation. Motorists will be given the choice of paying their insurance premiums on a monthly basis. Insurance companies will be required to notify drivers at least 30 days before changing or cancelling their policies. Brokers will have to disclose, on request, the number and identity of insurance companies with which they have contracts.

Auto insurance policies will have to set out the separate components of the coverage, how each was rated and the cost of each part. There will be a prohibition on tied selling, making the sale of one insurance product conditional on the purchase of another product. Consumers will be able to exclude certain drivers from their household policies so that good drivers are not penalized by bad drivers in a family. Insurance companies will have to establish programs that assist in deterring fraud, since claims abuses by a few dishonest people can result in higher premiums for everyone.

Since access to the courts will be retained in cases of serious injury or death, tort reform will be important in helping to streamline the system. In this regard, the Attorney General (Mr Scott) will also be introducing legislation today.

The government has adopted the only rational approach that balances the need for affordable auto insurance with the requirement for improved benefit levels. This made in Ontario plan provides leadership and direction. It addresses the underlying causes of higher rates and it therefore promises greater premium stability in the future.

Driving must be made safer and more affordable for the people of this province. This legislation, which is the cornerstone of our plan, will help protect consumers and reduce costs and risks of driving in the province.

### TORT REFORM

**Hon Mr Scott:** Later today I will introduce for first reading two bills that will implement various tort reform initiatives that were announced in this House in a preliminary way some months ago.

The government has received thoughtful and useful suggestions for tort reform from many groups. In particular, the Ontario Law Reform Commission report on compensation for personal injuries and death and the Osborne report have been a source of many sound ideas and recommendations.

These bills, which propose amendments to the Courts of Justice Act, 1984, and the Evidence Act, contain amendments concerning prejudgement interest, structured settlements and changes to the litigation process, and will be undertaken in conjunction with complementary changes to the rules of civil procedure which were sent to the rules committee, composed of judges and barristers, under the Courts of Justice Act some months ago.

With respect to a plaintiff's entitlement to prejudgement interest on a damage award,

amendments will be made to the Courts of Justice Act to expand the period for which such interest is available and to provide more neutral rates of interest for the calculation of prejudgement interest.

With respect to structured settlements, in some cases the court must increase the amount of a damage award, as members will know, to give the plaintiff sufficient funds to pay income tax that accrues over time on investment of the court award. A structured settlement can avoid the need for the increase or gross-up of a damage award. However, in the current system, structured settlements are only available where both the plaintiff and the defendant consent.

The amendments I will be introducing today would give the court the power, subject to some limitations, to order a structured settlement whenever a plaintiff requests that his or her damage award be grossed up to meet federal income tax consequences.

The other amendments brought forward today concern improvements to the litigation process and include (1) amendments to the Evidence Act to increase the availability and use of evidence of health professionals at trials, (2) amendments to the Courts of Justice Act to permit trial judges and lawyers to offer guidance to juries in assessing the amount of a damage award, (3) amendments to the Courts of Justice Act to enable an appeal court to substitute its own assessment of damages where it is of the opinion that a jury award ought to be set aside as inappropriate, (4) amendments to the Courts of Justice Act to facilitate the making of advance payments by defendants to plaintiffs before the court has determined liability.

I wish to make special note of the fact that these amendments will apply to causes of action that arise after the date of first reading of the bills.

It is my hope that these amendments to the Courts of Justice Act and the Evidence Act, complemented by a variety of rules changes to which I have earlier referred, will improve the fairness and efficiency of our tort system.

### RESPONSES

#### AUTOMOBILE INSURANCE

**Mr Kormos:** What an incredible narration on the part of the Minister of Financial Institutions. He talks about "made in Ontario." He is talking about new insurance rules that were made in the boardrooms of the private auto insurance industry right here in Ontario. That is where those new rules came from, and that is where that insurance legislation came from. The auto insurance



industry in Ontario invested over \$100,000 in these guys in the last general election, and it is sure getting its money's worth because the payback is starting right now.

This minister dares talk about reducing the need to sue. My God, he has eliminated the right to sue. He has guaranteed that 90 to 95 per cent of innocent injured people in this province are never going to receive one penny in compensation for the pain and suffering or the loss of enjoyment of life they suffer at the hands of drunk, negligent and careless drivers.

#### 1410

What this servant of the auto insurance industry is talking about is making sure that people do not get anything for their pain and suffering and making sure that not a single worker in Ontario receives full wage replacement for his lost wages at the hands of drunk, negligent and careless drivers.

What this so-called Minister of Financial Institutions is talking about is making darned sure that the insurance companies make profits as they never imagined before in their lives. He is not the Minister of Financial Institutions; this man over here is the minister of private insurance companies because, boy, if they ever had anybody looking out for their interests, they have got him right now in the form of the member for Bruce (Mr Elston); I will tell the members that.

It is incredible. I watch the minister really closely, and never has such a load of crap ever been unloaded in this Legislature before. It should have been done out on the front lawn because at least the grass would be greener by virtue of it. This is entirely unacceptable to the people of this province. It is not going to work; it is not going to fly. This minister had better make darned sure he listens to the people across Ontario over the next several months before he tries cramming this down their throats.

**Mr B. Rae:** The critical issue here for the House to consider is, first of all, that we are being told by the government House leader that it is the government's intention to proceed with this legislation and to have it passed before Christmas. I want to put the government on notice. There is no way it can take the right to compensation away from thousands of victims of accidents without giving every single person who is affected by it the opportunity to appear before a committee and to make this House and the Liberal Party understand what is at stake here.

What the government has done is it has taken into account the rate of inflation since 1977-78, essentially increased ever so slightly the level of

benefits that will be paid to people and then said that all those people who previously had rights of action and rights to compensation under our old insurance system will no longer have that right today.

I want to make one other point. It is not as if this is even a pure no-fault system. It is not as if this system is even as good as workers' compensation, because what you have is a system that is not designed to provide for fair compensation. It is designed to provide a rate of return to the insurance companies of Ontario which will guarantee them profits ad infinitum. That is what the Liberal Party is all about.

The only thing this insures fairly and squarely is the profits of the insurance companies of Ontario. The private-profit monopoly will be insured ad infinitum by the Liberal Party of Ontario. My colleague the member for Welland-Thorold (Mr Kormos) was absolutely right when he said, "When the insurance brokers and insurance industry decided to hitch their star to the Liberal Party of Ontario, they got exactly the party they rented back in 1987 when they decided to start renting the Liberal Party to see what it would do."

Look at this legislation and you will find, word for word and clause by clause, exactly what the insurance companies of Ontario wanted, exactly what the insurance business of Ontario wanted, and that is what the Liberal Party of Ontario has given them.

We do not have a public system. We do not have a good system. We do not have a fair system. And the people whose rights have been taken away and whose level of benefits will be affected are the people who drive in this province, the people who get injured in this province, and those are the people who are being shafted by this legislation.

#### TORT REFORM

**Mr Runciman:** Unlike the member for Welland-Thorold, I do not find the minister's statement today incredible. I think we have gotten used to this kind of flim-flam act on the part of the minister, his predecessor and the government. There is no sense of embarrassment on that side of the House over what has transpired over the past two years: well over \$10 million of taxpayers' money wasted, down the toilet, by the actions and inactions of this Liberal government.

It is perhaps mildly surprising that the New Democratic Party is not even quietly supporting this kind of initiative. If one reads the column—and I tend to agree with it; I do not always agree



with it—by Laurence Grafstein in the Toronto Sun a couple of weeks ago—he is a Liberal, is he not?

**Mr Brandt:** Yes, he certainly is.

**Mr Runciman:** I will put a couple of quotes on the record. "What could be a more profound example of pure socialism than no-fault insurance? In essence, no-fault insurance denies that the crucial link between those"—

Interjections.

**The Speaker:** Order.

**Mr Runciman:** "In essence, no-fault insurance denies that the crucial link between those who cause accidents and those who become victims of accidents is one of individual moral responsibility."

"Under no-fault the issue is no longer the relationship between a negligent driver and his victim, but rather the relationship between both the driver and his victim on the one hand and the state on the other."

Since 1987, when I predicted the path this government was going to follow, I have said that no-fault was the second step in a three-step process. The government has entered the slippery slope towards state-run auto insurance, perhaps not at the pace my friends in the socialist party would like to see occur, but indeed it has embarked on that path, and it is going to be difficult to turn back now.

Our party is going to oppose this initiative, this measure, with all the vigour possible. Our party believes in the ethic of responsibility. Our party believes that individuals should be held responsible for their actions. This legislation is nothing short of legalized abdication of responsibility.

Again, it is not surprising when we take a look at what this government has done in respect of this whole question of automobile insurance; it has been ad hoc, panic-driven, seat-of-the-pants policymaking since day one. We have had report after report, recommendation after recommendation, just ignored by this government: the Slater report, the Osborne report, his own board's report and recommendations respecting no-fault, totally ignored, at a cost of millions of dollars. Consulting firms that reported to the standing committee on administration of justice, to the Ontario Automobile Insurance Board and to the government again were totally ignored, at a cost of hundreds of thousands of dollars.

This has been a textbook example of government mismanagement and deceit. Regrettably, under House rules, even when it has become patently obvious that a member of this assembly has knowingly or otherwise misled the public, I

am restricted as a member from stating the obvious. Hence, I am unable to state the obvious with respect to the member for London South's 1987 election promise that he had a very specific plan to lower auto insurance rates.

**Some hon members:** London Centre.

**Mr Runciman:** I am glad my friends know the riding, London Centre. I will correct the record: London Centre. I thank the members for that assistance from the brown-nose gang. It is good to know they are alive and well and lurking on the back benches of the Liberal Party.

Under this plan, rates will not go down. Perhaps one of the most serious aspects of this is, as recommendation after recommendation has indicated, accident frequency rates and highway fatalities will increase. Yet the minister has the unmitigated gall to stand up today and say that he is concerned about highway safety, when all the facts are there that accident rates and fatalities on the highways are going to increase.

This system violates most people's sense of justice and responsibility. It is a thrust by this government that we in the Progressive Conservative Party cannot and will not support.

**Mr Sterling:** I would like to say two brief things. First of all, the announcement by the Attorney General with regard to tort reform has nothing at all to do with the no-fault auto insurance scheme put forward by the Chairman of Management Board of Cabinet (Mr Elston), and the two should not be confused. Osborne clearly supports tort reform, as do many members of the bar.

Secondly, and perhaps in a lighter vein, I would like to recommend to the Attorney General that he put forward the name of the member for Welland-Thorold for Queen's counsel this year.

Interjections.

**The Speaker:** Order. That completes the allotted time for ministerial statements and responses.

1420

## ORAL QUESTIONS

### CORRECTIONAL FACILITIES

**Mr B. Rae:** In the absence of the Premier (Mr Peterson), I would like to ask a question of the Minister of Correctional Services. The minister will be aware, as I am sure all members of the House are aware by this time, of the fact that guards working in 18 jails and correctional facilities across the province—according to my information as of this morning—are in the middle

of job actions that affect the conditions in the jail, and they are a result of the extraordinary overcrowding and deterioration in working and living conditions in those jails.

I would like to ask the minister why he had no statement to make at the beginning of the House today with regard to what is going on, and can he tell us what the government intends to do to ensure that the guards' concerns about overcrowding and conditions in the jail will finally be addressed?

**Hon Mr Patten:** Yes, I am well aware of this particular situation. We have been monitoring this throughout the weekend. I can appreciate the frustration of some of the correctional officers related to the salary/wages dispute that is at arbitration at the moment and some of their concerns, indeed, for some of the pressures we have, particularly around the Toronto watershed, which is being precipitated by the more recent rash of arrests related to drug-related offences.

I can assure the honourable Leader of the Opposition that we are addressing this situation. We have added staff to this particular situation, particularly at the Toronto Jail. We have converted some beds because, the honourable member will know, the pressure is essentially on the remand side of the people whom we must supervise and care for.

I would also add that we have a 15-year capital plan that I have spent a great deal of time on in the last two and a half months since I have taken on this portfolio, and I expect in short order to be able to make some announcements related to expanding our capacity for beds for that particular population.

**Mr B. Rae:** This is at one and the same time a long-term problem. The Ombudsman, on page 10 of his 1987 annual report, in describing the conditions at the Barrie Jail, which he visited himself, said the quality of the environment at that institution does not meet minimum acceptable standards as we approach 1990." The Ombudsman drew attention to the conditions in the Whitby Jail where, he stated that as a result, "...this high population density leads to increased tension." The Ombudsman refers to the fact that this problem has been ongoing for 10 years.

We now face a particularly critical problem and at a point now where prisoners are being kept in their cells for long periods of time. In Hamilton over the weekend, two guards—a man and a woman, according to information that I had—who were asked to look after the so-called

Toronto wing set up on an emergency basis that weekend, had nervous breakdowns.

We are now at a critical point in these facilities, where tension is running incredibly high. Just what is the minister proposing to do to see that guards are given some assurance that their working conditions and the living conditions of people in those prisons can be kept up to standard?

**Hon Mr Patten:** We believe we have the adequate number of staff. As I mentioned, we have added to that staff complement. If the honourable Leader of the Opposition will examine his statistics, he will see that the addition of staff in the last five years has outstripped completely, by a significant amount—close to 30 per cent staff increases in our particular institution in the last five years—our overall population growth of about five per cent, according to our annual report of last year. So we have done that.

We are extremely sensitive to this particular issue, let me assure the member. I hope that the opposition party will work with us, not against us, to precipitate a situation, in view of the sensitivity of this situation.

**Mr Kormos:** Let's not confuse the issue by talking about Toronto and the watershed and prisoners being transferred. The fact remains that the transfer of prisoners, which indeed is taking place from Toronto to Hamilton and from Hamilton to Niagara, is aggravating a pre-existing situation of overcrowding and understaffing.

The minister has been told. He was told on 10 October by the member for Cambridge (Mr Farnan) and by the presence of correctional officers right here in this House. He was told on 16 October when I spoke to him about my observations at Niagara Detention Centre. We have one-person cells being converted into two-person cells by the mere bolting on of an additional bunk, now being converted into three- and four-person cells by requiring prisoners to literally sleep on the floor, and not just in one or two instances, but in frequent instances.

It is a real problem of overcrowding and understaffing. The minister does not do it any justice by denying it. When is he going to act, and why will he not act promptly on a real problem, a life-and-death problem for officers and inmates and prisoners of these institutions?

**Hon Mr Patten:** The member for Welland-Thorold did not speak to me. I did see a letter that was addressed to me, but it was an open letter, that identified some concerns I would have been



very happy to talk with him about in person or try to address the concerns he identified.

I want him to know that I do share his concern. I ask for his empathy as well. This is a much bigger issue than any single ministry at this time and I believe the member well knows that. We have a situation now where in the largest metropolis of Canada there is an increase in the apprehension of persons for drug-related offences. That is a recent development. It is not something that happened three years ago or even two years ago. The local police officers are becoming more vigilant in their apprehensions. We are not an inn and cannot say, "No, we cannot take them."

When he talks about the capacity of our institutions, I agree, it is now promoting that and placing pressure on us. It is not universal throughout the province—

**The Speaker:** Thank you. That seems like a fairly lengthy answer.

#### CARDIOVASCULAR CARE

**Mr B. Rae:** It gives new meaning to the phrase "scot-free."

I look to the Minister of Health. I am giving the minister some thousands of petitions from residents of Windsor. I understand the minister met this morning with some representatives of a group in Windsor that has been lobbying vigorously on behalf of heart patients. It is made up mainly of heart patients, and my colleague the member for Windsor-Riverside (Mr D. S. Cooke) and I met with them in September.

I wonder if the minister can explain why the proposal she presented to them in draft form says nothing about whether the government is prepared to have heart surgery performed in Windsor for people living in the Windsor/Essex county area. Why is there nothing at all in the proposal indicating that this is what the government is prepared to do?

**Hon Mrs Caplan:** I recognize the importance of this service, and I am committed to improving access to all the people in Ontario. We all know that while our services are good, we are always trying to improve them.

The Leader of the Opposition is correct. I did meet this morning with representatives from Windsor. I told them I had accepted the advice from an expert panel. I also told them of our plans to enhance and improve access to services, and while it is not happening as quickly as I would like, we are moving to enhance those services.

I am prepared to share with the Leader of the Opposition a letter which I sent to the chairman

of the district health council outlining our commitment to see that everything that can be done will be done as quickly as possible.

#### 1430

**Mr B. Rae:** The minister must be aware of the fact that there are, according to my information, five patients this week who are expected to go to Detroit for surgery from the Windsor area; that there are, according to the guesstimates provided by the doctors in the area, as many as 120 patients who are on waiting lists for surgery in London and Toronto.

The minister's draft proposal for audit tells the people of Windsor that they are going to have to wait until November 1990 to find out what are the booking and scheduling procedures and practices for cardiovascular diagnosis and treatment, to find out what is the monitoring of patients on waiting lists, to find out the reasons for postponements, to find out how long the waiting list is and what the waiting times for diagnosis and treatment and reasons are.

**The Speaker:** The question?

**Mr B. Rae:** What does it say about the organization of the minister's own bureaucracy that she is incapable of telling patients today why they are on a waiting list, how long that waiting list is there, why their surgery is being postponed and how they are being monitored by the Ministry of Health?

**The Speaker:** Order. There are quite a few questions there.

**Hon Mrs Caplan:** As the Leader of the Opposition knows, I met with representatives from Windsor. I informed them that I had accepted the recommendations of an expert panel. I have asked that panel to report on a monthly basis so that if there are recommendations that it can give us on how we can improve, we certainly will expedite implementation of those recommendations. I have asked that they give us their full report within a year.

I would point out to the member that when the expert panel met with representatives from the Windsor area, they themselves anticipated that it would take that length of time to gather all of the information needed, and I would say to him that we are working with all of our partners in the delivery of health services: the doctors, the nurses, everyone. We do not want to politicize the individual cases and discuss them in an inappropriate forum. We want to implement the plans that we have and meet the needs as quickly as we can.



**Mr D. S. Cooke:** I would like the minister, if she can try, to be very specific in the reply to this question. There are heart patients here; the local press is here. Perhaps for once she can give the folks back home a clear answer.

Is she or is she not prepared to amend her draft proposal so that it specifically will state that the feasibility of a surgical unit for heart patients will be examined for the city of Windsor, and will she specifically change this date of November 1990 and do something more quickly? Hundreds of people are waiting for surgery—

**The Speaker:** Thank you.

**Mr D. S. Cooke:** —and we have been waiting for four years for action from her government. It is not too much to ask her to move a little more quickly than she has.

**The Speaker:** The questions have been asked.

**Hon Mrs Caplan:** Let me share with the member opposite the letter which I sent, a paragraph of which will clarify and let him know that we are moving as quickly as we possibly can to seek the very best possible expert advice. I am aware of the anxiety of the people of Windsor. We discussed that this morning and I have met with people who are here.

The letter states, "The surgeons have recommended that the purpose of the audit should be to determine and assess the current situation regarding delivery of cardiovascular services in south-western Ontario and make recommendations to improve the delivery of service."

I have asked this panel to report on a monthly basis. As it has recommendations, I will commit to the member and to all members of this House to move as quickly as I can to implement its recommendations.

#### AUTOMOBILE INSURANCE

**Mr Brandt:** My question is for the Chairman of Management Board and the Minister of Financial Institutions. The minister went on at some length with respect to the new package of auto insurance reforms that his government is proposing for Ontario, and I think it is important that we establish very clearly not only what people will be getting but what the citizens of Ontario will in all probability be losing with respect to the reforms the minister is proposing.

I would like to ask him a question in regard to a situation and his response would be welcomed. If an individual were involved in an accident, not the individual's fault, and that resulted in several serious operations including a spinal fusion, under the legislation which he has tabled today, would that individual meet the threshold of

permanent, serious impairment of an important bodily function and therefore qualify for the threshold limit?

**Hon Mr Elston:** The answer to that question is, he might. I do not know the various circumstances around the operation otherwise, but we have left it to the courts to determine whether or not the threshold would be met by such an occurrence.

**Mr Brandt:** Since the minister cannot answer for a specific case that I bring before him with respect to Ontario and since the Ontario model is, in great part, based on the experience and the model and, in fact, some of the wording is taken directly from the Michigan model, would the minister be able to indicate how these circumstances which I have just outlined for him would be handled under the Michigan legislation?

**Hon Mr Elston:** My proposal is designed for Ontario and I can tell the honourable gentleman that he has given us some very sketchy details of what he says the case is. I do not know the ramifications of the operation or otherwise with respect to the carrying on of an economic endeavour by the individual name. I do not know of a whole series of events, but I can tell the honourable gentleman, if there is a question in his mind about it, that our current system will be preserved for those people who have a serious injury that causes the impairment that would get them over the threshold. I just cannot answer his question, because he did not give me the details.

**Mr Brandt:** I want to advise the minister that in the case I brought to his attention, the Michigan Supreme Court in 1982 ruled that this particular circumstance did not in fact qualify at the threshold level. In 1986 the Michigan Supreme Court overturned its earlier ruling and indicated that it did qualify, and as a direct result of that the insurance rates on the part of the largest insuring company in the state of Michigan increased by 20 per cent.

What assurance can the minister give this House that a similar ruling as a result of the decision of the courts, will not result in huge premium increases, coupled with the loss of the rights of the citizens of this province to sue in a great many cases?

**Hon Mr Elston:** The honourable gentleman has just outlined for the people of Ontario the safety release we have in the courts determining that, in fact, people ought to be covered and in that case he has just seen that justice was done for that particular individual. That is what we want in the system. We want the release so that people

can be assured they can get relief if they have serious and permanent injuries.

I cannot for a moment predict that the individual who now occupies the leadership of the third party will not be able to come up with some sketchy details that, from time to time, he will ask me to look into a crystal ball and adjudicate upon. That is not my role. The role here is to ensure that every person has access quickly to the necessary income replacement, the supplementary medical and rehabilitation services and long-term care on a no-fault basis, and that in situations where there is a difficulty because of a serious and permanent injury, they are taken care of. The incident that was just outlined for us indicates quite clearly why that safety release is necessary and is acceptable and provides the type of recovery opportunity that is needed to protect the people in Ontario.

I thank the honourable gentleman for bringing it to our attention.

#### CARDIOVASCULAR CARE

**Mr Eves:** I have a question for the Minister of Health. I would like to bring to the minister's attention this afternoon the case of Pat Terry, who is 46 years old. He has a past history of heart problems. On 21 June of this year he saw his cardiologist about chest pains and was put on a waiting list for an angiogram. They were then booking into January and February of 1990. He suffered another heart attack on 21 September—luckily for him, a mild one. He was in Toronto General Hospital. He then qualified for an emergency angiogram, which was done one week later. He was in hospital for two weeks and released.

He is now put on a waiting list for angioplasty, the balloon procedure, which his doctors have determined would be the best procedure for him to undergo. Unfortunately for him, that procedure cannot be scheduled until some time in November. Last Thursday he suffered chest pains that were so intense he had to book himself back into TGH. He has a 90 per cent blockage of one artery and he cannot walk.

How is that Mr Terry can find himself in this position in October 1989, after the minister's announcement of June 1988?

**Hon Mrs Caplan:** None of those involved in the health care system wants to politicize the anxiety of anyone who is seeking treatment within the health system, nor am I sure the member opposite would want me in any way to comment on the medical judgements of the physicians who are doing their very best to see

that people receive the services they need when they need them.

**1440**

The member knows full well that we announced expansion in capacity. We are hoping the Sunnybrook unit will be up and running within a very, very few weeks. London has increased capacity, as have Hamilton, Ottawa and Sudbury. It is not as fast as I would like. I understand the frustration and the anxiety of the families in these situations, and I am always prepared to investigate any particular individual cases, but I would say there is the appropriate forum for those investigations to take place and I would urge the member opposite not to politicize these tragic family situations.

**Mr Eves:** For the minister's information, Mr Terry contacted me both last Thursday when he checked himself into hospital and again this morning, and asked me to bring this case to her attention. Also, I was talking to Mr Terry's cardiologist this morning. He is of the opinion that in cases such as Mr Terry's the system has not improved in many, many months, despite the minister's announcement of 9 June 1988.

How can it be that we have waiting lists that are just as long, if not longer, in October 1989? In the minister's statement of 9 June 1988, she assured us that Sunnybrook's unit would be up and running by the end of 1988. We are now approaching the end of 1989. She assured us that more procedures would be done at all these cardiovascular centres around the province and especially those in Metropolitan Toronto. How can it be that patients like Mr Terry find themselves in these waiting lists for months and months at a time?

**Hon Mrs Caplan:** I would say that we all want the same thing. I identified very early on that action had to be taken, developed a plan and we are implementing. It is not as fast as I would like; it is not as fast as any of us would like. In the last six months, 40 additional critical care beds have been opened in the Toronto and Hamilton area. Capacity has been increased in Hamilton and it is my understanding that the Sunnybrook unit is preparing to open very, very shortly. Capacity has been increased in Sudbury and in Ottawa. I know that everyone, including the doctors and the nurses, is doing everything possible to ensure that people receive the appropriate care they need when they need it.

**Mr Eves:** I would agree that doctors and nurses are doing everything they can and they are doing everything they can with the very limited



resources that the Ministry of Health is providing them with. It is really a function of her government's policy that beds have closed, especially in Metropolitan Toronto, when her leader promised that 4,000 more would be opened. It is a function of her government's policy that there are not enough intensive care unit nurses to go around to operate a lot of these cardiovascular surgery units, and it is a function of her government's policy that last week, as I understand it, at St Michael's Hospital here in Toronto, many heart procedures were cancelled because of a shortage of heart pump technicians.

How can all these problems be still occurring some 15 months after the minister made her grandiose announcement of 9 June 1988? What has happened in the last 15 months? How come the waiting lists are still as long? How come Mr Terry has this problem?

**The Speaker:** Order. That is the fourth question.

**Hon Mrs Caplan:** In fact, we are making progress. It is not as fast as I would like, but we are. Does the member know what the people from Windsor told me this morning? They told me that their frustration is not because we have been discussing this for a few months, it is because a decade ago, when the member's party had the opportunity to do something, it listened to nobody and did nothing, so today we are building a network to attempt to respond appropriately as quickly as we can, and we are listening and we are acting.

#### NATIVE LAND CLAIM

**Mr Wildman:** In view of the absence of the Premier (Mr Peterson), I have a question for the Attorney General and the minister responsible for native affairs.

Could he explain how it was that on Thursday last, when his leader the Premier and he were both asked on three occasions to make clear the position of this government, what that position would be before the court in response to the application by the Teme-Augama Anishnabai First Nation for an injunction to stop the road and logging in the Temagami area, both were unable or unwilling to explain before this House what the exact position of the government would be before the court, and yet immediately after that, after question period, the Premier went outside and told reporters in the scrum what the government's intention would be?

**Hon Mr Scott:** How it was? Let me explain: I think the honourable member has it wrong. The Premier did not answer that question in the House

or outside the House and the reason he did not is that it is not possible for us to answer the question of how we will respond even now.

The reality is that everything depends on the relief that the TAA request in the notice of motion. If they request relief in respect of the Red Squirrel Road, that is one thing. If they request relief respecting all logging in this 4,000-square-mile area, which seems to be the most likely eventuality at the present time, that might lead to a different response. That is why it was then, and in my opinion remains now, very difficult to answer the honourable member's question.

**Mr Wildman:** We all read the papers and I am sure the reporters were reporting what they heard from the Premier. The Premier indicated to them that this government's position before the court would be to oppose the request for the injunction.

If that was the Premier's position outside of this House, and now the Attorney General is indicating that he cannot make clear what the government's exact position will be until he understands exactly what the Teme-Augama Anishnabai are requesting, could he clarify whether it is the position of his government that if the first nation requests the stopping of the road construction and all logging in the area until the Supreme Court of Canada has ruled on the land claim, his government will oppose that kind of a request?

**Hon Mr Scott:** As the honourable member knows, the request that the TAA make is for ownership of an area that is about 4,000 square miles. Some 800 TAA members and about 10,000 other Canadians live in the area. The scope of the injunction request that is made by the TAA is obviously critical. If they are asking simply that we should stop work on one road, that is one matter. If they are asking that all activity on all crown lands in the area they claim, such as logging, fishing and so on, should terminate, that is another.

The practical difficulty is that the TAA have not as yet delivered their request for an injunction. We were told that we would have it today at lunch time, but it has not yet arrived. When we have it, and have an opportunity to consider it, I want the honourable member to know that we will promptly let him and the public know what our response towards it will be.

#### DEINSTITUTIONALIZATION

**Mr Cousens:** I have a question for the Minister of Community and Social Services. The minister will have received a letter from the York South Association for Community Living in

which it states that it is in a state of crisis. "We are presently making plans for the closure of several group homes and we will be requesting your ministry to accept the return of several former residents of your ministry's facilities."

They cannot attract or retain qualified staff. One third of their front-line staff positions are presently vacant. They have had a \$50,000 advertising program and ended up without any people to take up the jobs and they say in their letter, "We believe that our residents' welfare and safety are in jeopardy and we can no longer risk the possible liability we will face in the event of a serious incident."

How is the minister going to address these problems of the York South Association for Community Living?

**Hon Mr Beer:** I am aware of the letter to which the honourable member has made mention and also, living in the same area, I am aware of many of the problems which social service agencies face in fast-growing areas.

I think one of the things we are doing which is going to help to address some of the particular problems of associations such as the York South Association for Community Living is the changes with respect to salaries and benefits which we are working on. We recognize there is a need across the board to bring up salaries of those working in front-line agencies in fast-growth areas. We also recognize that it is not always possible to do that as quickly as we would like, but we are very much aware of that situation and I hope we will be able to address it and to be of direct assistance to them shortly.

1450

**Mr Cousens:** The minister will be well advised that his document *Challenges and Opportunities* was viewed as a bold and forward-thinking set of initiatives when it was first introduced, and they say in their letter, "It has become long in its challenges and short in its opportunities." They are facing a \$5,000 difference in what it takes to have someone fill one of those jobs. They are talking about the possibility of closing a number of group homes in York region within the next three weeks unless there is an answer from this minister's government. They have 130 people on waiting lists and they too will be faced with the problem.

The minister talks in a positive way about what he is doing. Could he tell this House when he will have a solution for the York South Association for Community Living? Will it be within three weeks?

**Hon Mr Beer:** As with problems facing all the various agencies that may arise from time to time with the ministry—we work very closely with them. As the honourable member knows, it is a very decentralized, close-to-the-ground service. We are at this moment working with them to resolve the specific issues and it is our understanding that we will be able to do that.

**Mr Cousens:** When? Come on, when? He didn't answer my question, Mr Speaker.

**The Speaker:** I am sure the former presiding officer understands the standing orders. Thank you. New question.

## WATER QUALITY

**Mr Faubert:** My question is to the Minister of the Environment. Residents of my riding, Scarborough-Ellesmere, have advised me of their concerns about the condition of Highland Creek, of which the Bendale and West Branch run through my riding. This concern is also raised about other local waterways including Massey Creek and the Rouge River.

In Scarborough, Metropolitan Toronto and across Ontario we see an increased appreciation of the need to clean up the pollution of waterways, to maintain usable urban green spaces along watercourses and floodplains and to achieve a cleaner Great Lakes. Unfortunately, though, the water quality of urban watercourses is threatened continually by increased urbanization.

Can the minister advise how his ministry is addressing the cleanup of urban creeks and rivers?

**Hon Mr Bradley:** Excellent question, I must say, from the member for Scarborough-Ellesmere. I want to indicate first of all that one of the things that emerged from the Crombie commission, which I think offers a good deal of assistance and hope in this regard, is a request, a stipulation, that all levels of government look at the impact of any kind of development around these water systems which eventually flow into Lake Ontario. I think that is exceedingly important.

Concerning the Metro area, the member may be aware that my ministry has released a report which details some potential action and options for improvement of the Don River water quality. As well, we have allocated some \$9.25 million in the 1988-89 budget to support Metro waterways cleanup projects such as sewage treatment plant improvements and detection. This is interesting because some of the young people we had employed in the ministry were involved in this.



This was looking for illegal hookups to the various rivers, in other words, where you had some combined sewers which went to the various rivers. This was a good part of our program, I must say, with the young people involved in the Environmental Youth Corps.

In addition to this, we have designated 17 areas of concern, which in fact were being addressed with the remedial action committee—

**The Speaker:** Thank you. I am sure there might be a supplementary, and you may want to save some of that information.

**Mr Faubert:** Municipalities should be increasingly involved in improving the water quality of their own watercourses. Can the minister advise if there are provincially sponsored programs which municipalities can participate in which either improve the effectiveness of sewage treatment plants or directly contribute to the cleanup of urban waterways?

**Hon Mr Bradley:** Yes, I can. Two things: The ministry is developing standards for the design of storm water pollution control facilities such as retention ponds and buffer strips along watercourses, which I think will reduce the runoff that is going into those. In addition, along with the Minister of Agriculture and Food (Mr Ramsay), we are involved in a process of reducing the number of applications of pesticides. This would be a joint program which I think is going to be quite effective in that regard.

These retention tanks are an excellent way to go, and we are encouraging them. For instance, in the east end of Toronto there will be one constructed—there is one in Hamilton; I had the opportunity to participate in the opening—and what these do is in fact collect the storm water so that it does not rush immediately into these watercourses and sewage treatment plants. It is allowed to settle so that you do not have that kind of rush and flow of bacteria and other contaminants into the lake.

In addition to this, of course, we are encouraging municipalities to develop sewer use control bylaws. These are model bylaws where they can determine precisely what is going into the sewers so they can require, before the contaminants even get into the sewers, that those are in fact abated. These are comprehensive—

**The Speaker:** Thank you. New question. The member for Lake Nipigon.

#### NATIVE LAND CLAIM

**Mr Pouliot:** My question is to the minister responsible for native affairs regarding the Manitoulin land claim. The minister, perhaps

better than anyone in this House, will be aware that in 1862, some time back, the land on Manitoulin Island, some 850,000 acres, was handed over to the government, to colonial officials, for the purpose of sale, and the profits were to be turned back to natives for their benefit, of course.

To this day, some 90,000 acres, including lakes, rivers, and a strip of land of 66 feet surrounding the entire community, has yet to be sold. This land claim has been going on for some 10 years. A lot of people are waiting for acquiescence, for political will from this government to resolve this outstanding issue. How close are we to a settlement in this affair?

**Hon Mr Scott:** As the honourable member knows, as well as anybody who might have been around since 1862 when the original transaction occurred, this government has received historically a substantial number of land claims, approximately 40 from various native bands. It was a matter of great embarrassment, I think, to all Ontarians that until 1985, no government of Ontario had ever positively responded to a native land claim in the province.

We have now responded to about 13 or 14 of them and are working on the others. Among the 13 or 14 is the Manitoulin claim, to which the honourable member makes reference, and we are working hard in order to negotiate a settlement to that.

**Mr Pouliot:** The minister is entirely correct when he states that the natives, over the past century, have been dealing with governments that lack the will to be honourable. It is as simple as that. Promises made during treaties have been broken time after time, have been ignored, and people have been taken down the proverbial path. Those treaties have not only been unfulfilled, but they have also left a heritage of bitter disappointment. Now the minister has a chance to redress this, for it is not only the natives on Manitoulin Island who are suffering from that lack of will. The tourism industry does not know where to plan—or what to plan—for the future. No one knows, and yet we hear rumours and we are told to ask the Attorney General, the minister responsible.

Can the minister give us, if not a meticulous one, somewhat of a ball park timetable? Will it be next month? Will it be six months from now? How close is he to having an agreement in this affair? It is very important, not only for natives, but everyone who resides on and loves Manitoulin Island.

**Hon Mr Scott:** I know that few members in the House have the commitment to these issues that the honourable member questioning me has and I know he is very concerned to find what the timetable of the negotiations will be. It has been proceeding on for some period of time now. I would think if settlement in the short or medium term is going to be made, it will probably be made in the next six to eight weeks.

#### LOAN TO TENANTS' GROUP

**Mr Harris:** I have a question for the Minister of Housing about the taxpayer-financed, \$60-million purchase by tenants of the City Park Apartments in Toronto. It has been brought to my attention that several offers from the private sector were turned down and that the actual purchase price for these buildings is up to 20 per cent higher than the going market value. In fact, by paying too much, the government has now artificially inflated the market value of other rental property, all in the name of affordable housing. I would ask the minister how he can condone using \$60 million of public funds to drive up apartment values while at the same time failing to create one single new unit?

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**Hon Mr Sweeney:** As the honourable member probably knows, these were buildings that were involved in the Greymac flip situation of a few years ago. They ended up in the hands of a receiver. The receiver petitioned the courts to help it determine what should be done with these buildings. It was, I believe, and I stand to be corrected, a court ruling that in fact the buildings could be sold to the nonprofit sector. It is our understanding that it was on the basis of a tender bid.

The honourable member should be aware of the fact that my ministry did an analysis of the value of those buildings compared to the value of constructing new apartments and it was determined that the price of those buildings was approximately 70 per cent of the value of constructing new units. On the basis of that, it was seen to be a fair price and it was seen to be a good use of the dollars that are available if we could acquire for the nonprofit market something like 740 units at 70 per cent of the cost of constructing new ones.

**Mr Harris:** The minister can have all his government people trying to figure out the value he wants. The fact of the matter is that on the open market, the price paid with government money was up to 20 per cent higher than the private sector thought they were worth.

Two years ago, the minister's government inflated all land values in Metropolitan Toronto by selling Malvern land for over \$4,000 a foot, piercing that barrier for the first time and setting a new high landmark for the price of land. Now the Ministry of Housing, with this inflated-value apartment transaction, has established a new inflated benchmark for this building and, in effect, the minister has inflated apartment building values for all buildings of this class here in Metropolitan Toronto.

Given that when he does that under his rent review system eventually those inflated values will all be translated into higher rents in all the buildings of that class here in Toronto, I would ask the minister again, how can he justify using taxpayers' money to set a new high benchmark value for property and, in effect, increase apartment rents all across Metropolitan Toronto?

**Hon Mr Sweeney:** What the honourable member perhaps also understands is that the private sector has consistently advised us that it is not profitable for it to build new units. As a matter of fact, the most recent figure that we heard was that to build new, two-bedroom units in the Metro area would require rentals in the neighbourhood of \$1,200 or \$1,300 a month. The private sector is clearly saying to us that even if a number of other things were changed, it would not be encouraged to go out and build new units.

Therefore, with the distinct possibility that we cannot bring new units on the market at an affordable price, it seemed quite reasonable to be able to bring into the nonprofit sector 740-plus units at only 70 per cent of what it would cost the government to help finance construction of new units. The fact that the court decided that these nonprofit areas were the most appropriate buyer is something that we accede to.

**Mr Harris:** There are no new units here. All you have done is to increase—

**The Speaker:** Order.

#### RENT REGULATION OF RETIREMENT HOMES

**Mr Fleet:** My question is for the Minister of Housing. The Grenadier Residents Association is composed of 137 seniors who live in a retirement home at 2100 Bloor Street. They average 83 years of age; over 80 per cent are women and most live alone. Residents began moving into the new building in late 1987 with monthly rents of approximately \$1,100, as advertised. In January 1988 and 1989, residents faced rent increases of approximately 14.5 and



30 per cent respectively. The seniors have fought back.

In 1988, the association made a precedent-setting application to rent review for a ruling of rent review legislation applied to their building and to roll back the rents. It was the start of a long legal battle because both sides are determined to appeal a negative result.

Final arrangements and submissions were provided to rent review by both parties in May. A decision had been first promised by early June and then repeatedly promised to be coming, quote, "shortly," but has not yet arrived. The seniors are justifiably angry and frustrated.

**The Speaker:** Order. Do you have a question?

**Mr Fleet:** When will a decision be made?

**Hon Mr Sweeney:** The honourable member, as part of his question, indicated that both sides are determined that they will appeal what they see to be a negative response. That, quite frankly, is part of the reason it is taking so long to come up with an answer, because the rent review officers are very aware of the fact that this could be a precedent-setting decision, not just for the Grenadier but for rest and retirement homes across the entire province of Ontario, and not just for the ones that exist today, but for ones that will be built over the next three or four years and longer. So therefore, they have to be very, very careful that the basis of their decision is sound and that they can defend it against the inevitable appeal that the member already indicated.

I can only say to my honourable friend that we are aware of the concern on the part of both the tenants and the landlord there and we will get the decision as quickly as we possibly can. I understand, and I am sorry to have to use the term again, that it is about to come shortly.

**Mr Fleet:** Regardless of which way the rent review decision goes, the facts in this case highlight a gap in provincial regulation. Seniors in several hundred retirement homes all over Ontario lack adequate protection. A survey and a separate advisory committee report released earlier this year for the Minister without Portfolio responsible for senior citizens' affairs documents the need for additional legislation.

To avoid a repetition for other seniors of the struggle of the Grenadier Residents Association, would the minister please advise the House when we can expect new legislation?

**Hon Mr Sweeney:** The difficulty in the honourable member's question is a presumption that the decision will be not in favour of the

tenants. He may very well be correct, but then again, the decision may be the other way.

The difficulty that we are facing is that the rent review legislation was not drafted with this type of situation in mind, because it clearly did not intend to bring under rent review those buildings where the care component, the service component was every bit as extensive as the shelter component. So we really do not have at the moment, at least it would seem to be, legislation that is properly tuned to meet this particular need. The rent review officer may very clearly indicate that it ought to and find some way to bring it in. However, until the rent review officers make that decision, we are not in a position to indicate whether or not new legislation ought to be brought in.

I have one concern I can share with my colleague and that is to wonder whether or not, as the honourable member says, tenants of an average age of 83 ought to be put through on an annual basis the rent review process. I would hope that we could come up with another way of resolving that issue and some of my other ministerial colleagues are looking into aspects of it and perhaps we can find some—

**The Speaker:** Thank you.

#### AUTOMOBILE INSURANCE

**Mr Kormos:** To the Minister of Financial Institutions: The government's new rules for insurance, the ones that the insurance companies paid for, asked for and indeed, if it is up to the government, are going to get, the same ones that ensure you get nothing for your pain and suffering, they are particularly unfair to small business people, to small entrepreneurs, to the self-employed, because those people will be unable to recover loss of profit and losses associated with the disruption of their business. Those same people, under the government's new rules, could lose their businesses and recover absolutely nothing. How can the minister say that is in any way close to being fair?

**Hon Mr Elston:** As is not generally the honourable gentleman's habit, he has sort of oversimplified the situation to the extent that it requires a fairly lengthy response, but let me be as concise as possible.

First of all, this program is designed to provide coverage quickly, provide income replacement for people who suffer injury. It is going to provide supplementary medical and rehabilitation benefits, it is going to provide long-term care; in those latter two categories alone \$1 million will be the limit.

## 1510

In addition to that, people will in fact be able to provide themselves or avail themselves of coverage with excess insurance. There is a market available. We know that many prudent small business people and others engaged in business activity do provide themselves with supplementary insurance above and beyond anything that they get in their automobile. They have requirements with respect to business arrangements where if they take out special loans or whatever, those are also insured by the institution so that the honourable gentleman fails to—

**The Speaker:** Thank you. Supplementary.

**Mr Kormos:** If Diogenes were in here with his lamp walking in front of those government benches, he would not even pause only slightly at the seat of the member for Bruce.

Let me run this past the minister. A 40-year-old, self-employed business person who earns \$50,000 a year suffers two broken legs as a result of a drunk driver. As a result of the injury, he is disabled from working in his business for one and a half years and his business goes bankrupt. It is projected that it will take him five years to re-establish his business so that he can once again earn that same \$50,000 a year.

He would get pain and suffering today. He would get maybe \$35,000 for pain and suffering—lost income, real lost income, of one and a half years times 50.

**The Speaker:** The question would be?

**Mr Kormos:** Under the government's new system, under the auto insurance company's new system, he would get no pain and suffering, no future income loss. Contrast that with a mere \$35,000 to the \$210,000 that he would deserve and that would adequately compensate him.

**The Speaker:** The question?

**Mr Kormos:** How is that fair? The minister is stealing from that small businessman, is he not?

**The Speaker:** Order. I appreciate your comment in question form, and please watch your words in the future.

**Hon Mr Elston:** The honourable gentleman is absolutely wrong. There is nothing there stealing anything from anyone, and for him to suggest that is really mindless. I cannot imagine that the gentleman really intended that to be the way he expressed his concerns.

But let me tell you this, Mr Speaker. Under the current system, that person might have to wait five or six years before he or she was able to collect on the costs of that lawsuit. What we have

done is put in place something that is much fairer, much more responsive, much more quickly available to the people than what we have now. You can have income replacement. You can have long-term rehabilitation and supplementary medical care. You can have payments made for long-term care if you are required to be in a convalescent position for some time.

The honourable gentleman fails to mention those benefits and, in fact, he knows that in line with the example that was given to us earlier by the leader of the third party, as he now is, shows that there is a possibility that courts might determine that there is a long-term disadvantage that may have to be adjudicated in the courts and there could be recovery.

But the honourable gentleman cannot stand here in front of us now and just sort of put up a set of circumstances and then say, he being judge and jury on the case all by himself, "This won't be covered by your situation. This won't be covered by your program" because that is not right. We have the safety outlet of allowing the courts—

Interjections.

**The Speaker:** Order. Perhaps this debate can continue when the legislation is introduced.

#### MUNICIPAL ZONING BYLAWS

**Mr Jackson:** I have a question for the Minister of Housing who is also the Minister of Municipal Affairs. On 27 February of this year, legislation was enacted that amended the Planning Act, which declared that certain provisions in municipal bylaws and interim control bylaws which distinguished between related and unrelated persons would have no force and effect under Ontario law. These so-called exclusionary bylaws were a function of the university communities and it was well accepted that they were directed at university students and their housing needs.

Given that the minister's political party, the government of the day for five years, has promised the students that it would eliminate these bylaws and given that his ministry has had a year to study the implications of this new law prior to its enactment, can the minister please explain why he has had such difficulty in providing a memorandum or some sort of guidance to municipalities across this province that are seeking his advice on the implementation of his own amendments to the Planning Act?

**Hon Mr Sweeney:** The intent of the legislation is very clear. As the honourable member indicated, any municipality that already has such



a bylaw on its books is now faced with the fact that it has no effect. It cannot be enforced. Any municipality that had thoughts of introducing such a bylaw is now being told it would be of no advantage for it to do so.

It is pretty straightforward. We have certainly indicated to any municipality that has requested information that that is it. It is fairly straightforward. I would point out to the honourable member, however, as part of his question, although it is probably going to impact to a large extent on university communities, it was not intended just for university communities. As a matter of fact, in some communities the operation of a group home could be impacted by this same legislation and is in fact being impacted by this same legislation.

**Mr Jackson:** The fact is that municipalities across this province have been getting no guidance, no clear direction and no leadership from the minister's ministries with respect to how to implement this legislation. In fact, especially in university communities where several councils have had ongoing concerns and staff reports, this evening the council of the city of Waterloo will meet to discuss the staff report. I have a copy of it with me.

That council tonight is going to be considering the following recommendation, that its zoning bylaws not be altered at this time. It goes on to suggest a series of possible solutions, including an age-appropriate designation for residents in this province and possibly establishing student housing zones.

My question is simply this. Is the minister prepared to sit by idly, without giving guidance and support, when specific requests are being made and while councils like Waterloo consider these kinds of recommendations which the minister himself knows are inappropriate?

**Hon Mr Sweeney:** The clear message that has been given to municipalities is that they cannot discriminate on the basis of family relationship. That is the clear message.

**Mr Jackson:** It is okay to do it on age.

**Hon Mr Sweeney:** Just a minute. The question we have gotten back from a number of municipalities is that we are having some problems with respect to noise or with respect to parking. We have indicated to them very clearly they still have the authority, under their bylaw provisions, to deal with a noise factor or with a parking factor, and they can deal with that through their bylaws.

Our legislation does not in any way inhibit them from doing that. We have said: "Go ahead.

If your real problem is noise, deal with your noise bylaws. If your real problem is parking, deal with it through a parking bylaw. But what you cannot do is the relationship of people within the homes." With respect to age, I suspect that any municipality that tried to make a decision based on age would run up against the charter, quite simply.

#### PROPERTY ASSESSMENT

**Ms Poole:** My question is for the Minister of Revenue. In September, Metropolitan Toronto council requested that he approve its plan for bringing in market value assessment to Metro. As the minister is aware, in my opinion, Metro's last-minute compromise plan is nothing more than pure political expediency of the worst kind.

Can the minister tell me, when Metro sent this plan to him, did it submit to him any analysis, any study, any plan or any indication whatsoever that it has analysed the financial impact on Metro? Second, since I will not get a supplementary, how can we as a government possibly approve this plan without some idea of its impact on Metro?

**Hon Mr Mancini:** I am glad I have the opportunity to answer the member's question. It was far more direct than the question I received last week and from a far more interested member. I want to say to my colleague that I understand how sensitive she is about this whole matter. I also want to say to her that the responsibility for whatever impact studies need to be taken lies at the doorstep of the Metropolitan Toronto government, the same government that voted to have such a plan put in place.

#### 1520

As all honourable members know, more than 660 municipalities over the last 10 years have asked for some type of market value reassessment. I keep stressing to the members in the House that it is the responsibility of the duly elected members of either the regions or the counties or the local municipalities to ask for a market value reassessment.

I can see that a lot of the members in the Conservative Party do not care to hear this, but they are the ones, in fact, who passed the legislation in 1979 which gave the municipalities the right to ask for market value reassessment. We are going to consider very thoroughly the proposal that is before us and that has been duly passed by the elected officials of the Metro Toronto government.

## MOTION

### PRIVATE MEMBERS' PUBLIC BUSINESS

Mr Ward moved that Mrs Smith and Mr Reycraft exchange places in the order of precedence for private members' public business.

Motion agreed to.

## INTRODUCTION OF BILLS

### INSURANCE STATUTE LAW AMENDMENT ACT, 1989

Mr Elston moved first reading of Bill 68, An Act to amend certain Acts respecting Insurance.

**The Speaker:** Is it the pleasure of the House that the motion carry? No?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it. I declare the motion carried.

Motion agreed to.

**The Speaker:** No further comments?

**Hon Mr Elston:** No, but I do have another.

### COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Elston, on behalf of Mr Scott, moved first reading of Bill 69, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

## ORDERS OF THE DAY

### OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989 (continued)

Resuming the adjourned debate on the motion for second reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

**The Speaker:** I believe the member for Brampton South (Mr Callahan) was in full flight. There may be some other members who wish to participate in the debate on Bill 208.

**Mr Cousens:** I would like to participate in this debate. On Saturday I bought my first Time magazine in quite a period of time. There was George Washington with a tear. I would have to say that there are many people who have tears in their eyes at what is going on in the province of Ontario under this Liberal government.

The beginning of this article really began to tell me the direction I want to take in my address to the House today on Bill 208: "Government is not the solution. It is the problem."

I think more and more of us who have been watching the David Peterson government have begun to realize that it is a misplaced group of people who are coming along and giving us all the words, all the rhetoric and none of the action that is going to lead to a long-term solution. What I am seeing is just an increase of words and a decrease in action. In fact, more and more people are talking about the paralysis of this government. We believe there is an increasingly cynical conspiracy to mask the truth.

We saw that last week when neither the Minister of Health (Mrs Caplan) and the Premier (Mr Peterson), in an answer to a question about the hotline for emergency care in an emergency situation, could provide that answer. That is not what I call straight talk. On the one hand, the government has said: "We have an emergency line. There is a hotline. Call it and you are going to get help." Then the moment that a doctor in Midland made 14 calls, no one went and directed him to it.

By the way, at the same time that that was happening, the Minister of Health would have led the province to believe that the doctor was somehow guilty of malfeasance and poor practice. I do not know of that many doctors who would go and spend four and five hours just trying to find—I guess I do. The problem is that the Minister of Health does not know that many doctors who are committed to the welfare and wellbeing of the people of our province the way he was.

What we are seeing is a government that acts through symbolism rather than a government that acts in a sense of saying: "Here is what we want to do and here is the meaning behind it. Here is why we have rationalized what we are up to." Instead, we have to deal with, first of all, what I describe as a very insincere approach by the government in dealing with all the people who are coming to it, because out of the mouths of the Premier and the Minister of Health on that situation last week we were told one thing and we know another.

I feel the same thing is happening when we are dealing with the situation under Bill 208. Bill 208 is an important act amending the Occupational Health and Safety Act and the Workers' Compensation Act for the province of Ontario.

It is something that has to be taken very seriously by all of us, and I think that when we start looking at what the government has done and is doing, we see it stonewalling; we see it creating a form of confrontation between employers and employees. We see this government,



on the one hand, in 1987 before the election, tabling this important legislation and then resurfacing it this year, still not clear on how it is going to deal equitably and fairly with all the parties.

There is a marvellous way in which we can work together, when we see it as a triangle in which the government, along with management, along with labour—and those are the three corners that make up a strong triangle—are working in concert and working together, rather than having one of those partners undermining the other.

It is imperative that we in this province have that long-term goal of partnership and trust and building upon relationships over a long period of time so that we are able to build a stronger Ontario and so that we are able to have a stronger workforce so that all partners are somehow leading towards a happy resolution.

When this bill was brought forward and then again represented to the Legislature this year, it reminded me of Neville Chamberlain. Neville Chamberlain and David Peterson have something in common. People wanted to believe Chamberlain was going to make a difference when he returned from his trip across the Channel. They wanted to believe there would be peace in their time. So too, they want to believe the Premier, the Minister of Labour (Mr Phillips) or any other minister in this House who opens his mouth and makes a pronouncement.

People want to believe that what they are saying is truly an expressed and honest reflection of what is going to happen because in their hands lies the power to govern, the opportunity to do something right and, if in fact they are not doing it right, we in the opposition have to make sure they are challenged to do so and awaken their sense of what is right and wrong, to do and to deliver what they should be doing.

**1530**

Neville Chamberlain and Peterson were not bad people. I very often think that when we are dealing in opposition we lose that sense of personal caring for one another. When you look at Liberals, New Democrats and Conservatives, for the large part we are all here to serve our people, the people in our constituencies, regardless of their political persuasion. Regardless of anything at all, we are there to serve them and the best interests of the province. I happen to believe very strongly that all of us from all parties are genuine in that commitment. Yet notwithstanding that, the difference in philosophical bent that the different parties bring to the table causes the kind of difference of opinion that leads to confrontation.

I have to believe that when Mr Chamberlain came back from Europe he was at a key moment in history in which things could have been changed. I have to believe that the Premier (Mr Peterson), the Minister of Labour (Mr Phillips) and this government are no less important in our history, the history of the province of Ontario, and that what they do and deliver to the people of this province has significant long-term ramifications.

If this government would begin to accept the level of responsibility that has been laid upon it, with its huge majority, then it might well begin to realize that what it wants to do is not to give false hope and false promises, but to give the people of Ontario a balanced, honest, good government, a government that is going to respect the three corners of the triangle I just described, where government, management and labour work together to make sure that there is not going to be confrontation. I have to believe that the government has lost sight of that kind of confrontational politics by virtue of the way in which it comes forward with bills—

Interjection.

**Mr Cousens:** I would be pleased to pause for a moment.

Mr Speaker, if there is support from the House, we have a very distinguished visitor from another country here and I would be very pleased if one of my honourable friends would make an introduction.

**The Deputy Speaker:** Has the member for Dovercourt a request?

**Mr Lupusella:** I would like to request unanimous consent to introduce a distinguished guest in the public gallery. If such consent is given, I will introduce him.

Agreed to.

**Mr Lupusella:** First of all, I am very thankful for the approval of my presentation by the honourable member. I know he is a very kind and honourable individual.

I would like to take this opportunity to draw to the attention of the members of this House the presence of a distinguished guest in the public gallery. He is the mayor of my home town in Italy. His name is Gianpiero Nistico, and I would like him to stand up and be recognized.

[Remarks in Italian]

**The Deputy Speaker:** Would the member for Markham resume.

**Mr Cousens:** I share in the welcome. I think there is just a marvellous opportunity that we have here in the Legislature to meet people from

across the world. You start realizing that the link many of us have with our home countries is something that is very good to maintain and it adds to the roots and strength of our multicultural fabric that makes up Ontario. So I thank the honourable member.

I was speaking earlier on Bill 208, the Occupational Health and Safety Statute Law Amendment Act. I really have to believe that there are certain ingredients in the Premier and the government that are lacking and are epitomized by the way in which the government has dealt with Bill 208. What I have seen develop is a sense of betrayal on the part of business and now a sense of betrayal on the part of the New Democratic Party in the way the government deals with this House, with interest groups and with legislation.

We have been talking about this bill for over 18 months and now it would appear the government is prepared to do some thinking on it only because everybody has been raising such concern about the way in which it has been tabled and the way in which it has been dealt with in this House.

I was saying in a historical context that the Premier and his government have a chance to be leaders in history. When they took power there was that great opportunity to be an open, good government. I have to say they have not been open and have not been good. I see it now as a tragic flaw of this government in failing to deal with issues honestly and openly, and then allowing them to fester and become a major issue that becomes a matter of concern to many, many people.

I am looking for a government that will be balanced, fair and responsible. I am looking for a government that will have a progressive social policy, a government that will have some sense of economic conservatism by virtue of the way it saves money rather than just spends it, a government that will have a balanced view, a government with an empathy for minorities and not just giving lipservice to everything.

I believe that this government has no deep feelings about anything and that the deep feelings, if any, are held in the Premier's office. They are the ones who are coming forward, making policy and causing the rest, the backbenchers of this government to be quiet. The only time they are noisy is when I am in my chair trying to make a point and they start to carp. I venture to say that they are quiet in caucus, where they should be noisy. They are not in there digging away and beating up those ministers and

telling them that they should be doing something differently. What they do is they save up their energy for the Legislature and then come in here like a bunch of penguins and start slapping their desks and making a few comment. I have to say that they will be found guilty by the tribunal of the people when they go before them in the next election, because they have not stood up for the other groups.

**Mr Dietsch:** Where did you pick him up?

Interjections.

**Mr Cousens:** Oh, come on; it is true. All the people in Scarborough; they have more members in Scarborough and they are doing sweet nothing about the Rouge. They do not say anything in the House. I have to assume they are saying nothing in caucus.

As far as Bill 208 is concerned—I want to get back on that—they have not done anything to motivate this government to really come clean and open up a proper, full dialogue on what is going on.

What we are dealing with is legislation that begins to change the balance of power that exists between government and the private sector. The private sector, as it stands, has felt a sense of estrangement from this government, an estrangement that has made it feel it had no way of getting through to the Premier and his government. The only thing they could do is begin to rally the troops, to rally all the different associations of which they are members—I will come to that in my presentation—the number of people who have finally had to get involved because this government was not listening to normal dialogue.

I think it is horrible. I think there is something fundamentally wrong when you have a government that wants to have a battle with every significant group in our society. They are doing it with the teachers. They are doing it with the hospitals. They are doing it with the insurance industry. Now, with Bill 208, this government is doing it with industry and commerce and trade. They now have the socialists mad at them. They had them happy for a few years

**Mr Callahan:** They don't like to be called that. Don't call them that.

**Mr Cousens:** I am sorry; the NDP. I should not call the NDP socialist; they do not like it.

The fact of the matter is that when we look at what Bill 208 is all about, there can be no doubt that there is a need for action when we are dealing with the health and safety of our workforce. That is a given. Any one of us in this House has to know that there are those out in the work force



every day, slugging it out, who are facing certain kinds of danger at any time.

It is for us to make sure that we establish an environment that protects their best interests. When you realize that in 1987, the last year for which statistics were available, over seven million days were lost due to occupational accidents and illnesses, seven million days of people who—it just means that they are home, are not able to contribute to society and they themselves certainly do not feel fulfilled when they are not able to go and do their work.

#### 1540

Many of these incidents that generated lost time resulted in compensation payments, a total of \$1.45 billion in workers' compensation payments in 1987. I guess we have never added up recently the cost of the unfunded liability of the Workers' Compensation Board in Ontario, but it is over \$8 billion right now and growing. It is to the advantage of all of us that if the government is not going to come along and overhaul the Workers' Compensation Board, then the least we can be doing on the other side of the equation is everything we can to protect the workers who have made this province strong.

The statistics become very alarming when you realize that in 1988 there were 360 deaths caused by occupational accidents and disease. This figure combines the number of traumatic deaths and the Workers' Compensation Board allowable claims under the industrial diseases that have been acquired in the last two years that resulted in death, 360 people who are no longer part of this province, part of their family, part of the contributors to the future of our province. They are no longer able to be here because they died.

There is a very significant incidence of work-related injury and illness, nearly 2,000 people each working day in Ontario, the result of industrial machinery, toxic chemicals, compounds, repetitive procedures that produce strain. These are all part and parcel of occupational health and occupational hazard, we used to think, but the fact that it has gone on for a long time means that we have to do far more than we have done in the past to address these concerns.

I know that the ministry, ever since the legislation was brought forward in the 1970s, has added to the number of inspectors who go out and inspect and visit work sites. They annually carry out over 69,000 work site inspections. They investigate 3,500 complaints annually. How can they begin to touch them all when there are over 179,000 workplaces?

I happen to believe there is a need to do everything we can to make our workplaces safer. There is a sense behind the bill that I would like to put in balance, and that is to educate employers and employees on the importance of health and safety, and for all of us to understand that emphasis and to make sure it is seen as important, believed to be important. The commitment follows it through so that therefore everybody is committed to good safety practices because they want to be, because they care about their neighbour and because they care about their employer, because of everything.

I know that inspection alone is not the answer. We saw that in the school system. The Minister of Labour (Mr Phillips) was a school trustee and chairman, as I was, for a time, and at one time we had inspectors. I do not think there are too many inspectors any more in the school system. It is too bad because I think on the one hand you can have the—let's deal with the analogy I want to make here.

We want to have quality education and therefore we have inspectors going in, randomly testing the system to see that they are producing and performing in the way they are supposed to. I see what is happening in Bill 208 as an opportunity for the government to say, "Once we have installed this, we will no longer have inspectors." I hope there is no sense on the part of the ministry to withdraw the importance of having inspectors there to look at the 170,000 or so different workplaces. That is an essential ingredient, to continue to monitor the workplace, as it was and still is, I believe, in the education system where you have inspectors going in and working with the principals and the teachers to make sure their quality and their programs are to a standard that is acceptable.

We are dealing with a bill that has just so much to offer on the positive side, and yet we can deal with some of the negatives that come out of this bill. At that point we start to worry about the power of the joint health and safety committees.

When we see how this bill is being introduced, we know that workplaces with five to 20 workers will be required to have a health and safety representative and some 50,000 businesses will now be covered by health and safety legislation, including service areas such as hotels. What we see happening there is the passing down of responsibility.

I will be interested when this bill comes to committee. I believe the minister has agreed that it will have public hearings and that there will be an opportunity for those in small businesses to

comment not only on what is going to happen once the bill is extended to their businesses through the legislation we will pass eventually, but also on to what degree they have been involved in providing for a healthy and safe environment for their employees.

For the first time in Ontario, with this legislation, construction projects with a workforce of 20 or more persons, where the project is to run no longer than three months, will require joint health and safety committees and worker trade subcommittees. This again is the kind of thing that is an extension of responsibility more to the workplace.

The health and safety committees will consist of at least two members and will be required in each workplace employing less than 50 people. The two members of each committee will consist of one management representative and one labour representative. They will have to be specially trained and certified to serve on the committee.

I can see that taking a certain amount of time and money. There is going to be a wrapping-up process to that. I do not see the government participating very much in the cost of that program. In fact, I think the government is saying that this would be borne entirely by each employer, and to that degree, there is some concern about the costs that are going to be brought in. There has to be a sense of responsibility at that point on the part of employers and employees to do this.

There are so many people today who work overtime. I know that in this Legislature many of us are putting in 60- and 70-hour weeks, and management who are not on a salaried basis are putting in far more than 38 to 40 hours a week. I hope that some of this health and safety education that has to go on will not necessarily be paid-for time out of the coffers of industry and that the employees will buy into the program in such a way that it is not always a matter of the employer having to pay out.

There has to be a self-help procedure that is part of this. I do not think you can legislate that. It has to be part of the common sense of industry that goes into it. I would be interested in the minister at some point commenting on the way in which industry is going to have to foot all the bill. Is there some way in which those who are part of industry and make it work will contribute not only in the interest and the time they have when they are on duty, but in off-hours time for learning and developing it?

To me, in Canada, for us to develop the kind of future we are capable of developing, I do not think we are ever going to be able to do it just on a 35- or 40-hour week. There has to be far more of the old work ethic come back into this province and into all levels, not only of government but of the workforce at every level.

I understand the Ministry of Labour expects that there will be 50,000 joint health and safety committees established across the province and that there would be a possibility of some 200,000 certified members. I have not seen a great deal on what the province is going to do in the training and education of them. On the one hand, it expects the people to go for this training; on the other hand, I would hope that there is an infusion of some investment by the government to make sure that we train the trainers and that the committees are going to be brought up to a level at which they are able to have the knowledge they require and that we do not just expect industry to cover the total cost.

#### 1550

Now we come to the powers that exist in the bill. The minister has not yet tabled amendments to this legislation, but there are several parts of this bill that really give a tremendous amount of power to the joint health and safety committees. The first thing is to obtain information concerning tests of any equipment, machine, devices, articles, machinery or biological, chemical or physical agents in and about the workplace for the purpose of seeing that all this equipment is safe occupationally.

The next thing the committees would do is to obtain information concerning the identification of potential or existing hazards, whether they are materials, processes or equipment. So they would go through their whole operation with another look, with their eyes having been trained. Having taken a course, they would then be in a position to understand what is needed. Next, they would also look at the health and safety experience, work practices and standards in similar industries.

I see this as an appropriate learning curve in many ways so that the people who are out there and are in industry are going to be far better informed. I would hope that while they are out there looking at other industries they might learn how to become more efficient in their own practice.

The problem we have when we start legislating something that deals with one specific area such as health and safety is that we are dealing with a ministry that did not have too much conversation



with the Ministry of Industry, Trade and Technology, and that came through in a number of statements that have been released by the Minister of Industry, Trade and Technology (Mr Kwinter). It was he who started to hear from far more of the manufacturers and businesses across the province saying: "Wow. Hold on. The Ministry of Labour is going too far."

At the same time as we are in the process of improving health and safety, I know we cannot cloud that issue with other things because we want to have an emphasis on health and safety that we have not had. This is a growing, learning curve where we in this province will over a period of time make sure there are not 360 deaths, we will make sure there are not 200 million man-days lost a year, we will make sure we are doing the best for all the people of our province. I see this as progressive and positive.

I then start looking at what happens. A committee member is entitled to one hour to prepare for each committee meeting. I suppose the minister has to put it in the bill, but if a person is entitled to it, does that mean he or she always takes it? You see the different contracts that people have where they are allowed a certain number of sick days and they feel as if they are almost being cheated unless they take all their sick days.

That is the kind of common sense that is lost when you start legislating things that should be common sense. Considering the matter of one hour to prepare for each committee meeting, it is the employer who has to make ends meet, meet the rest of the payroll, make a profit—there is nothing wrong with making a profit—and as a result it is going to fall on the employer to make sure that happens.

When we see some of the things that can happen, the health and safety committee then becomes a very, very important leadership group within an operation to monitor and to watch over what is going on. They will be required to make written reports, and it is very obvious that they will have a responsibility that has not before been passed on to them.

Now, we get to some of the actions that can happen because of the joint health and safety committees. If the legislation goes through as it is now proposed before this House, a certified member of the health and safety committee can direct the employer to stop work, specifying the work or the use of any part of a workplace or of any equipment, machine, device or article.

That person who is on the joint health and safety committee can order the stoppage of work

when he feels that a provision of the act has been contravened, when a contravention poses a danger or a hazard to a worker and the danger or hazard is such that any delay in controlling it will cause serious risk to a worker. That is what calls for judgement on the part of that committee member and that person's judgement at that time, if it is absolutely balanced and fair and has no foul bias to it, will be in the best interests of everyone and the bill will be okay.

However, the direction to stop work is something that gives a tremendous amount of power to a certified member on this committee. I want to go into this because of the correspondence I have received and the comments that have come from people all across the province, and from my riding in particular, who are very concerned with the power that certified member has on that committee, because at that point that individual is in a position to cause the business owner a significant amount of trouble to the business.

The bill states that if a certified member did act negligently or in bad faith, the agency shall revoke the member's health and safety certification for life. That is fine. In the meantime, the ultimate result could have been an assembly line on General Motors that was shut down for an extended period of time, where all the salaries of all the employees, plus the lost work time, is paid for by the manufacturer; 100 per cent of the lost-time costs are paid for by management.

The right to refuse dangerous work has been expanded to include work activity. This is another issue that opens up the power under the joint health and safety committees. Suddenly, we are now saying, "You can stop work whenever you see there is a problem." An individual employee will be able to say, "I'm endangered by this and heavy lifting is going to cause me a problem."

I hope they have the right now whereby if anyone is going to have a potential problem in what he is doing in the workplace, there is legislation to protect him from having to act on it in a way that would be against his best interests.

Then we go further on the work stoppage aspects of the bill as it is written. That is the penalty for noncompliance. That is going to be increased from the present \$25,000 fine to a \$500,000 fine, the highest in Canada. I have to say that this power that will now exist in the hands of joint health and safety committees really places a tremendous amount of power that may not always be used correctly and well.

I want to comment on that in some depth because of the correspondence I have received from people in my riding. They are very, very concerned with what is happening on that, because I guess they feel this government is rather naive about just what it is proposing. They are seeing a situation develop that is not too dissimilar from a person who is coming into work on the subway or using Via Rail, and he pulls the cord to stop the train. There is a \$500 fine levied on the person who brought the train to a stop, so there is some disincentive for a person to pull the cord to stop the train.

In fact, on Via Rail, if someone does stop the train without a purpose and there is not a really legitimate reason for his doing so, he is subject to imprisonment and a \$500 fine. I would say that gives him some reason to make up his mind before he pulls that cord. He is not just going to do it absent-mindedly. He is not going to do it for a frivolous reason. He is going to do it because he has thought it through and he said: "There is an urgent crisis here. We have to stop the train."

There can be a variety of things that happen. That is why they have the cords there; to stop it when you have to. What I see happening here in this Legislature and with this bill, and also with the way the Peterson government runs everything, is it is a way of confronting people with a problem. They put all the bad news out there; they get people angry at them; there is a sense of frustration that develops and you end up not really having the consensus-building that leads to a better resolution.

I wonder just how we are going to solve it. The kinds of correspondence I have received from my constituents on this matter are enough to make one realize that it is not what we would call the positive legislation the Minister of Labour (Mr Phillips) would like us to believe. The Minister of Labour, in his speech on 12 October in tabling the bill, said—it was a rather good line—"Bill 208 is a cornerstone of the government's progressive legislative program," and he also said it was the most progressive legislation in North America. I thought I had it underlined.

It may be the most progressive in North America; there is only one other government that has gone as far with its health and safety statutes and that is in Scandinavia. Aside from that, this government has come along and taken a leadership role that is going to destroy the balance that, to me, is essential to a strong working relationship between labour and management, that triangle that is part and parcel of what good government is all about.

## 1600

I would like to put on record a number of letters I have received. I have one from the Markham Board of Trade. This is a letter that was addressed to me and I sent it on to the then minister. Maybe the minister was moved out because he was taking too hard a line on Bill 208 and they have put a softer touch in there with the new Minister of Labour and he is going to back off in a significant way from a number of issues and allow some of the balance to come back in the legislation. He has indicated he is anxious to do that.

But as the bill now stands, and without the amendments tabled from this government, what we are really seeing is that you get a letter from the then president, Mr Nichols, saying the amendments will enable businesses to be shut out by certified employees if it is in the opinion of these employees that the workplace is unsafe. There is no apparent recourse against employees who abuse this power. We know the only recourse is that they can never again be certified members of the health and safety committee, but it is nothing like the kind of abuse that is going to fall on the employer.

The board of trade also indicates there will be a significant transfer of employer-paid Workers' Compensation Board premiums to fund a large new organization. This organization will likely require additional funding over the coming years. This will increase the strain on employers to fund their payroll and would inevitably reduce hiring. We all know the costs of government. If only I could find someplace in the last several years where the DP government, the David Peterson government, had somehow cut back on its spending and had come forward with suggestions to show that it was going to be frugal. But no, every chance they get they think they can solve it by throwing more money against the wall. That is a concern of a number of business people.

The fact is, he raises a number of other points about government inspectors having the power to seize, carry away and detain documents without laying charges. Is that going to be amended by the government changes?

I see the honourable member for Durham East (Mr Cureatz) in the chair and I would really like to compliment him. It is the first time I have had a chance to see him in the chair. The member for Durham East is really one of the most exciting members of this Legislature. He has so much to offer, and I appreciate the fact that he is in the chair. I wish you great happiness there as you are



listening to myself and, later, the Leader of the Opposition.

As I go forward in the correspondence from the board of trade, it is typical of a large number of people who are saying this government has not been able to face up to the challenge that exists, and that is to maintain a balance between what business needs and what government needs. The London Chamber of Commerce spent a significant amount of time putting together a series of recommendations. I have to thank the honourable member for London North (Mrs Cunningham) for sharing this with me.

The London Chamber of Commerce, like myself, supports the underlying purpose behind the amendments to the Occupational Health and Safety Act. They too are interested in the improvement in health and safety in the Ontario workplace. They support the stated objectives of the proposed changes. However, they say, "We feel that the proposed amendments do little to achieve the objectives professed by the ministry and little to address the underlying issue of workplace safety." So they come forward with a number of recommendations. I would like to table them quickly, but I want them at least to be on the record. I will just table the short form of them because I am worried that the government will not be able to address these points totally. I would hope that they can come back from their hardened position and accept some of these recommendations.

It is so pleasing to me to see the Minister of Education (Mr Conway) in the House once in a while. He no longer has to be here as much. He is no longer House leader, but it is good to see him.

The recommendations are as follows: Restore the exemption of retail shops, offices and nonkitchen hospitality services. They are concerned about the millions of dollars that these enterprises would have to lay out if in fact through the inspectors who are out there now the government could see that they are already fulfilling the services that are required that underlie the bill. Is it necessary to have them included in the bill? I raise that question.

The second point they raise is to eliminate the requirement for a joint health and safety committee in establishments of 20 to 50 employees. They are concerned about the regulations that will be brought to bear on smaller business and whether or not they are going to be able to really handle it. It is one thing to legislate it, but it is another to have them follow it through and do what they are supposed to do. I am wondering—I will not comment on that.

Their third point: Allow the appointment of health and safety representatives and joint health and safety committee members by the employer in nonorganized workplaces. In other words, reserve a forced election of this representative for circumstances where a business has a history of recurring problems. This approach could be similar to a procedure recently proposed in British Columbia. I think they want to take the confrontation out of the selection process.

The fourth point: Remove the power to stop work from certified members of the joint health and safety committee. I hope the minister is very seriously looking at ways in which there can be a balance on that.

Fifth point: Delete the expansion of the right to refuse work to include work activity and replace it with specific standards for the weight that a worker can be expected to lift.

Next point: Reflect the makeup of Ontario's workforce in the boards of directors of the agency and the safety associations. I did not have a chance earlier to comment on this but the new board that is going to be supervising health and safety legislation is going to be largely based on appointees from unions in the province of Ontario. I do not know the degree to which the minister is willing to back away from that. Some 70 per cent of the employees and workers in the province are not members of any union. Therefore, when the government is going to have a provincial board established, is it going to have all the employee members selected from the Ontario Federation of Labour? That, again, is a matter of concern. Let's have a mixture of representation that includes the federation of labour but also a percentage of that part of the province of Ontario that is union held. Maybe we could get a cross-section of others. I am asking the minister to consider that, and that is the sixth point in this presentation.

The seventh point: Include health and safety professionals on the boards of the agency and safety associations. I believe there is a tremendous need for professionals and to balance off on them.

The eighth recommendation: Enforce the act by concentrating on education and using the power of the agency to adjust workers' compensation assessment penalties. There is a great deal that can be said there where the employers of Ontario are not the adversaries of the Ministry of Labour in seeking safety in the workplace but are, instead, its greatest ally. By ensuring that the workplace parties know what is required of them, the minister will eliminate far more violations of

the act than he will be concentrating on catching employers.

In addition, emphasizing the reduced direct cost to employers with successful safety programs will be far more effective than severe penalties in motivating employers to understand and conform to the act.

This is a significant series of recommendations and I am pleased to put them, in part, into the record. I know the minister has received a copy of this. The general public has not. I think it is just important that we realize that many people out in Ontario are concerned with the changes this government is about to make.

**1610**

I start looking at the letters I am receiving and I have one from a president of a company that is very, very involved in health and safety. Because I do not have permission to read his letter giving his name and the name of the company, I am not at liberty to give it, but I can just assure the honourable minister that it was copied to the Premier (Mr Peterson), the Minister of Labour (Mr Phillips), the member for Scarborough North (Mr Curling) and Donald Smith. People do copy Donald Smith and, when they call Ellis-Don, they believe something is going to be happening in this government and that then the government is going to react. Maybe we should all be calling Don Smith. He also copied John Bulloch of the Canadian Federation of Independent Business and the National Citizens' Coalition.

I would like to just put on the record the kind of concerns that this constituent of mine has.

"I wish to voice my displeasure with your proposed Bill 208. The construction industry does not need anything more intimidating than the existing legislation and vehicles which are at your disposal. The taxpayers do not need any more bureaucrats to support."

Three cheers to that point. The government has already added 7,000 more bureaucrats in the last four years since it came to power. I do not know how many more this ministry is going to add. The people out there who are paying the bills are beginning to become increasingly concerned about it. He does not want to have any more bureaucrats to support.

"Employers in our industry presently pay workers' compensation rates at 10.96 per cent on an assessable payroll of \$36,600, which works out to \$4,011.36 per worker. I hope you do not think employers can afford more than that to support your new dream. Our firm is very proud of its achievements over the 21 years it has been

in business. We are particularly proud of our safety record. The enclosed summary from Construction Safety illustrates that during 1988, our employees worked 136,906 hours without a lost-time accident. I suggest your government drop this bill and fine-tune current mechanisms. We don't need more government."

We look at this company's construction safety injury frequency and cost record. He is telling it as it is, and yet he continues to pay high rates to workers' compensation and now he will be paying even more to implement the kind of bill that Bill 208 represents.

I have another company, a manufacturing company, in my riding and here is a typical president. He copied the Minister of Industry, Trade and Technology (Mr Kwinter) and the Minister of Consumer and Commercial Relations (Mr Sorbara), but it was sent to the Premier. He said:

"This is a first for me; never in my life have I written to government, partly because I assume an individual letter is too small a voice, also because in my business affairs, organizations like the Canadian Manufacturers' Association represent us, and I assume they would have a larger voice."

I have heard from more people in the letters that I have who are saying, "I have never before written the government but I am having to now." They were Liberals, anything, and they had that sense of trust that I talked about at the beginning, that trust people had in Chamberlain. They wanted to believe him; they wanted to believe everything was going to be fine. Because the Premier and this minister say, "Don't worry, everything is just going to be fine," they know—

**Mr B. Rae:** Mr Chamberlain?

**Mr Cousens:** Before the member came, I was talking about the fact that Mr Chamberlain and the Premier have a lot in common. They give a message that everything is just going to fine and the fact is that it just is not so.

So he has come along and he, like many others, has joined forces with the different associations that have expressed outrage at what this bill is all about. I have not seen such a list of associations that are angry with it. He is relying, as many others are, on his association.

Listen to the list of those who are part of the employer groups: the Retail Council of Canada, the Canadian Council of Grocery Distributors, the Council of Ontario Construction Associations, the Canadian Federation of Independent Business, the Canadian Manufacturers' Association, the Canadian Chemical Producers' Associ-



ation, the Motor Vehicle Manufacturers' Association, the Ontario Mining Association and the Ontario Trucking Association. These are at least a few of the associations in this province which have taken the time and energy and saw fit to come forward to say to the Liberal government of Ontario: "Stop. Listen. Look at what you're doing. Look at the impact it is going to have on our industry and our business. We support safety"—all of them have said that in their letters—"but we are concerned about the degree to which you're going with it."

I again refer to the letter from my constituent:

"However, I must say that your proposals for Bill 208 have got my attention, so in this letter I am speaking both in my role as president of this company and also on a personal note. In speaking personally, I have always considered myself both a small-l and a large-L Liberal, but this bill, and some of the other things that you are involved in, such as pay equity, indicate to me that you are very much out of touch with the world's realities, and I must say, I am beginning to feel both frustrated and disfranchised."

Why should a government be doing that to people in its own province? Why is it this government wants to alienate them from what good government can be all about? Why can we not begin to build bridges rather than fences, build bridges of relationships and understanding, of working together and allow there to be a dialogue where we are able to share and come out of this with a consensus? Someone has to give a bit here and someone has to give a bit there, but in the due course of time, we will end up with a stronger province, a stronger workforce, stronger business and a government that understands the working relationships between them all.

"The specifics of Bill 208, improving occupational health and safety, is a worthwhile goal." He, along, with so many others in the correspondence I have received, has said that. and he goes on to say, "The health and safety agency needs to be broadly representative of the Ontario workforce." I touched on that one earlier. The government should not just have representatives from specific federations on it. It has to have, again, a representative sampling of who it is that makes up the workforce in Ontario. He says, "Our workforce is not unionized," which is true of two thirds of the total Ontario workforce: "We do not believe that our employees, who have chosen not to be represented by a union, should be represented on your agency for health and safety by organized labour. In addition, from a management perspective, our desire to work with

the agency to help improve our safety will be relatively low if you allow big labour unions too large a voice."

The second point: "We are totally opposed to the stop work provisions in the bill. Our workers already have the individual right to refuse work when they think it is unsafe. To empower special "worker cops" to shut down unsafe operations is just too heavy-handed. My understanding from the Canadian Manufacturers' Association was that this extraordinary power has been rejected by every other jurisdiction that has considered it, and Ontario should do the same."

That, again, is another manufacturer who is saying: "Stop. Don't just go ahead and do it as you are proposing it." This is another association that has written me, the Ontario Association of Foundation Specialists; they were not among the others on the list, and they just make a few points that the minister should realize. They say: "Your Bill 208 is unworkable and counterproductive. This act will create confrontations."

And I believe Mr McDonald, the president of that association. It will create a tremendous amount of confrontation and the government is just leaving it wide open to it. It is going to go and put on to the negotiation table, far more than ever before, certain things that should be a matter of due course and this government is are provoking that. I just wish it would accept the responsibility for what it is doing and allow some honest dialogue to take place and some backing off by this government on what it is going to do.

This is another construction management firm which has written me, and again, resident in my riding. I like the way these people who do not often write letters put it down better than we can in this House, and he begins by saying to the former Minister of Labour the member for York Centre—and he copied the Premier and myself, he said: "The pendulum has swung too far if Bill 208 is implemented. I have been in the construction industry for 20 years in Toronto and I have seen no need whatsoever for this kind of legislation. As usual, your proposal amounts to using a cannon to kill a fly. Forty-seven million dollars to search for problems in all of Ontario's industry is ridiculous. With the records available to workers' compensation, why not come down hard on the employer with a chronically bad safety record and the employee that has gone from disability to disability? Why must your solutions create more burdens for all employers?" And he goes on.

But I think when he says the pendulum has swung too far, he talks in an honest and candid way about the David Peterson government that has just gone too far. It does not know how to listen, it does not know how to come out with the balance that is needed, it does not know how to work with people and what it ends up doing is shoving it through because it has a 94-seat majority.

I have another letter from a construction company, a very good friend of mine, again because I have not asked him, I will not use his name, but he says: "I would like to go on record as strongly opposing Bill 208 and the creation of a new occupational health and safety agency. I see no justification for creating a new bureaucracy which will only increase construction costs in the province when the existing Construction Safety Association of Ontario works well. As a nonunion contractor, I firmly object to the influence organized labour would have on this proposed agency. Bill 208 infringes on the rights of nonunionized labour and will cause labour management disputes. Bill 208, should be withdrawn until further consultation and input is received from the construction sector."

It is for that kind of reason that it is essential that we have an open, public debate on this bill; that we hear from those people who are writing me; that we allow them to table their concerns; that they can come forward with the kind of consultative assistance that could guide the government into doing something right for a change. To me, they are hoping and pleading for that opportunity.

Another construction company is a drywall and acoustic ceiling contracting business. It is a letter to me from a resident of my community. I cannot read it all, but he says, "We are writing to you as we believe the government of Ontario should hear from this industry and, as our MPP, we wish to enlist your help in asking that the Minister of Labour reconsider some of his planned changes to the Occupational Health and Safety Act from an employer's point of view." That is probably the substance of most of the letters I have. Please intercede. Please get some balance out of this government so that they're not just going to ram it through the way they've done so many other things that they've done. Have some integrity that shows the balance that's needed.

I have another letter and this is a far more detailed one. This member is a member of the Ontario General Contractors Association. He is writing me again concerning Bill 208. He goes

on with the items that he is concerned about. To me, he lays the point out. I want to raise a different point that he raises in his letter that I had not touched on. He says the agency that's going to be established over health and safety in the province will allow the Ministry of Labour to abdicate the responsibility for safety on construction sites. Existing and new policy will be generated and enforced by the bureaucracy of the agency and not by the employers and government who are ultimately responsible.

I think he touches on something. The minister is going to have now a special agency responsible for health and safety and he personally will be removed from that as an issue. He can say now, "I don't have hands on it." It was almost the same as when the Chairman of the Management Board of Cabinet (Mr Elston) said that of the insurance industry, "Oh, no, we're putting that off under a special agency" until they came out with some dumb idea and at that point the Premier's bells started to ring, someone called Don Smith and said: "Change that. This insurance board is really going to mess things up." They came back and now we have an announcement today, so there are ways.

There is no such thing as a hands-off agency, and yet what this minister is trying to do is say: "Hey, I'm going to have all this packaged up neat and clean. We're going to have an agency that's out there looking after it. I no longer have to be involved because all the common sense is going to reside on them." We cannot do it that way. There has to continue to be an involvement by the Minister of Labour in health and safety at all times. They report once a year with an annual report; that does not begin to be the dialogue that he has to have on situations.

If there was a disaster of any kind, if there was something that came up that goes beyond it, we do not want to have it so that he is at arm's length and distant from them. We want it so that he is involved even if it is him and not a Tory or someone else who is in there. The minister personally has to have a hands-on experience and opportunity to be involved in those situations. I see the minister now saying, "Well, we're going to refine the law. We're going to put it so that it can be hands-distance away from us." I reject that.

I reject it strongly and I hope that when we are having public hearings on this bill there will be an opportunity for the minister to explain himself on how he will continue to be involved in health and safety and not just relegated off to some little



board. I want to make sure that there continues to be that personal touch.

This is another letter from another contractor and, again, I have never heard from this contractor before. I know him personally, but this got him up and got him writing. He said: "The passing of Bill 208 would be a major mistake. As an employer, safety is my prime responsibility and I, without question, support any program that will effectively ensure a safer workplace."

It would almost seem that the government, by drafting this bill the way it did, was saying, "The employers are irresponsible, we do not trust the employers to do anything, so we are going to take this and put it into effect so that they will be forced to provide that kind of workplace that is truly safe for all employees."

I wish we would not paint employers generally with a brush as bad as that. I do not believe that to be the case. I know for a fact that if there are bad employers the government is going to identify them because of the number of cases they have that come to the workers' compensation and it is also going to identify them through its inspectors. So therefore there is not always a need to come along and change the whole law to affect them all.

Here is where he goes on and he says: "Bill 208 goes far beyond the spirit of improving safety on a construction site in that it constitutes a massive counterproductive shift of power over the control of a construction project to labour forces that carry no ultimate responsibility for safety, nor accountability to the clients of construction. These responsibilities remain 100 per cent with the contractor." This person wrote the Treasurer (Mr R. F. Nixon), the former Minister of Labour, the member for York Centre (Mr Sorbara), the former Minister of Mines, the member for Renfrew North (Mr Conway), the Minister of Industry, Trade and Technology, the former Minister of Housing, the member for Oakwood (Ms Hošek) and he just said, "I respectfully request the withdrawal of this legislation and the initiation of direct consultation with representatives from the construction contracting community." That is what we want. We do not want to have confrontational politics on a continuing basis. We want to see a way in which we are talking about industry working together with government, in which both employees and the employers have accepted a responsibility to make it a healthy environment for all.

I have to tell you that the bill as it stands is fraught with problems. It is going to create a form

of ill will that we do not need in this province. Maybe what I am doing is giving the government an excuse to stay in power for another few more years, because when it modifies this bill and accepts the amendments that have been proposed by a number of the people who I have commented on now, then it is not going to alienate as many people out there in the province of Ontario. This is a win-lose piece of legislation. As it stands right now—in fact, it is not a win-lose in the sense of there being any winners, except the government in saying, "Hey, we ran through another bill." Everybody else loses. I see it as a lose-lose proposition as it stands now. The government is going to lose considerably more respectability and the fair play that is so much a part of what good government is all about. The employees and employers are going to be forced into a confrontation that they have never had in the province of Ontario before.

I go back to my original opening statement when I commented on the Chamberlain analogy. I believe that the government is probably so naïve that it has no consideration of what it is going to do to the business community with this bill. It comes along and speaks out of both sides of its mouth and yet it says everything is going to be fine.

I have to go on record today as saying that I disagree strongly with what it has tried to do in Bill 208, the way in which it is destroying the balance between labour and management. I support a number of the recommendations that would lead to a safer workplace and I think that we have to move toward that as an urgent priority, but to say it is doing that while at the same time meddling in the affairs of people who have worked together over a long period of time is in fact a destructive force and not necessarily going to lead to the satisfactory solution that it has claimed.

#### 1630

I believe that there is still time to change this bill, to amend it to address the concerns that we have tried to raise through myself and other speakers from our party, that in fact there are a number of changes the minister can make. We will be bringing forward amendments when that opportunity avails itself. We hope when this is taken to committee and public hearings that many, many people will come forward and give their comments and that the backbenchers who serve on the committee will not be the same group that we have had in every other committee that just take orders from the minister's office or the Premier's office. Let them be open-minded,

let them hear what is being said and then let them come forward and move towards some recommendations that will bring back that sense of fair play that makes for a good business environment in our province.

I think the most important thing that we have do here is to strike a fair and equitable deal in which all sides go away and feel that we are on the road to progress: We have developed legislation in the workplace that does protect the worker, that also protects the needs of government to be involved, that shows that there is not just a throwing of the pendulum to one side but that there is a fair and balance approach to all the needs that we are talking about.

I have just touched the surface of what is important to this bill. I put the government members on notice that unless they are willing to reopen its thinking on this bill in a significant way, they will be in major trouble, not only in committee but in this House, with industry and with all the partners that make for a strong business relationship. I put them on notice that it is the kind of legislation that, without significant changes to it, could lead to the fall of their government. I put them on notice that they do not have for ever to do it because they have to go on and make the changes to promote good health and safety in this province.

Then as soon as there is an accident they will be coming along and saying we held it up. What we have to do is come forward now, in the crucible of the committee and in this House make the refinements and amendments to this bill that make it workable so that all sides will go away and feel that they have accomplished something for the betterment not only of the workers and the employers but of the government of the province of Ontario.

**Mr B. Rae:** I appreciate the chance to participate the debate. I know that this is going to be towards the conclusion of the discussion. Obviously I want to repeat my private congratulations to you, Mr Speaker, for your elevation to the role of First Deputy Chair. Having worked with you and, if I may say so, lived with many of your rulings within our own caucus, I know that they will be fair and I know that your judgements will be fair as they are exercised in this House.

Interjections.

**The Acting Speaker (Mr Breaugh):** Please let him speak.

**Mr B. Rae:** It is not going to get any better than this, Mr Speaker.

I am delighted to have the opportunity to participate in the debate and I am particularly

pleased that the minister is here. He and I have not had a chance to privately discuss his government's plans with respect to Bill 208, so I will now deliver myself. What I would have told him privately, I will tell him in the confidences of the chamber and will try to go over some ground with him which I feel very strongly about and which my colleagues feel very strongly about.

Perhaps I can go back a way to some of the work which my caucus and party have done prior to my assuming the leadership of the party and subsequent to that. Our interest and involvement in the field of occupational health and safety goes back many years. I am sure the minister is reading up on reports and the history of this issue as it has dominated the politics of Ontario. But I would just remind him that if he goes back and looks at the debates of this House in the early 1970s, as I did when I came here in 1982, and examines the history of this issue through the period from 1971 onwards, and indeed, even before then, the minister will find there are few issues which have had as emotional a hold on the members of this House as the health and safety of the people who are working hard in jobs which are dangerous, which threaten their lives and which have caused many of their deaths and illnesses.

He will know the labour movement in this country, and indeed, around the world, has made the health and safety of its members one of its primary concerns. I can remember—since I have been accused of being the son of a diplomat on so many occasions, I might as well turn this to my benefit once or twice—I can remember as a teenager my father used to take me down to meetings of the International Labour Organization, when he was Canada's representative to that organization, as he was to many other international institutions.

We would go down and listen to the debates. This would be nearly 30 years ago now, as I reflect on it. There were many great issues discussed in those meetings. South Africa was, in those early days in the United Nations organizations, beginning to be singled out and criticized for its racial policies. I can remember vividly listening one afternoon to a group of labour delegates from around the world discussing the problem of industrial cancer and talking in very emotional terms about the impact that had on their members, whether it was the leader of a British trade union talking about it as it relates to the coal industry, whether it was a German trade union talking about its impact on their industrial workers or, indeed, whether it was industrial



labour leaders from the Third World talking about the very real risks workers in those countries took working in conditions which, at that time, were difficult and, looking at it historically, very, very dangerous.

In the early 1970s I began working for the United Steelworkers in their legal office. The Steelworkers helped to pay my way through law school. In exchange for working for them a couple of days a week and working full time in their arbitration office in the summertime, I got my education on how the world of work and the world of the law relate to one another and how we can use the law to try to improve working conditions.

I can remember the extraordinary battles we had in trying to get claims recognized for industrial illness, the tragic experience of workers whose cancers were initially never recognized. I see the member for Sudbury (Mr Campbell) is here. He will know the battle we had in the smelting plant. Initially in the smelting plant, they said to the workers: "Your cancer wasn't caused here. There's no evidence." Then we produced more and more cases. In this House my colleagues, the former leader, Stephen Lewis, and others—my colleague the member for Nickel Belt (Mr Laughren), raised these issues with great emotion in the early 1970s—would bring forward the problems.

We did this in a framework, I would remind the members, where we had the Workers' Compensation Board and we had the accident associations. But we had no separate government legislation that would focus on the problem of occupational health and safety. Of course, we had construction standards which were in place, but essentially the philosophy which was contained in the law at that time, prior to 1977, was simply that the employer is responsible for safety. Whatever happens is the responsibility of the employer and it is the employer who will be liable to the Workers' Compensation Board for any payments under the Workers' Compensation Act for what happens to workers.

Our caucus in the labour movement, and I mean particularly the labour movement—and I say this with pride—we were expressing the experience of working people, we felt, on the floor of this House as we brought forward these examples. We made the amendments to the health and safety laws in this province with the introduction of the Occupational Health and Safety Act and really, if you look at it, Mr Speaker, at the same time as it was a minor step, it was an important step.

#### 1640

What was important about it? I believe the central importance of it was that for the first time the rights of working people to become involved in the issue of health and safety was recognized in law. As we later discovered, and I am going to come to this in a moment, these rights were not strong enough, they were not enforceable enough and we were not able to get at the question of the power structure, the power relationship, as it relates to health and safety.

But we were able to make some marginal changes, some changes within the Ministry of Labour, which the minister will know, more and more members of his staff—I do not mean his personal staff; I mean the people working in the ministry—had to become knowledgeable in this field and standards had to be developed, Ontario had to get on board and begin setting standards which would have an effect across Canada, because we are the major industrial province in here, and the Ministry of Labour began to develop its own expertise. As much as we were critical of that from time to time, at least Ontario was in the debate. That is what we assured through the measures that were passed during the minority Parliament in 1977.

When I got here in 1982, one of the first things I did was to ask my colleague Elie Martel, the member for Sudbury East as he then was, if he would undertake a very important job for our caucus. That was to go around the province and find out how occupational health and safety was really working on the ground. Elie, whose energy and commitment are now known throughout the province of Ontario and who was a member of this House for 20 years, undertook that task with gusto and with energy and with commitment, and he produced a report called, *Not Yet Healthy, Not Yet Safe*. I commend it to the minister if he has not had the chance to read it yet. It was the first review that was ever done outside the Legislature, outside the government, that looked very directly at the question of what exactly is going on.

What the member found was that the law was not being enforced. He found that workers were being exposed to conditions which were dangerous for them and dangerous for their fellow workers. He found that the ministry did not have the capacity or the political will to enforce the law. He found that employers were flouting the law. He found that the so-called internal responsibility system, which was designed to ensure the participation of workers, was not working because it did not affect the balance of power at

all in an industrial setup. He basically found that the government of Ontario faced a choice.

It faced the choice, and I can best describe the choice in this way: either the government would address the question of the power relationship in the workplace, focusing on education and training, yes, but focusing equally strongly on the question of enforcement, or alternatively the government would rely on an ever-increasing army of inspectors, which inspectors would be the people who would go around and enforce the law. Essentially that is the choice we face today.

The Tories would pretend that there is some other choice, and that is to continue with the status quo or to leave the power in the hands of the employer or to continue with a level of industrial carnage which surely cannot be tolerated by any civilized society where you have 500,000 claims going to the WCB every year and you have over 250 workers a year getting killed on the job. I cannot imagine that any member of this Legislature would possibly accept that the status quo could be allowed to continue.

Elie then produced another report, because we made some impact with that one but we wanted to go back again, and again the evidence was overwhelming and again the views from across the province in terms of people coming forward with examples—and we raised so many examples in this House with the minister. Before he was here in 1985 and I am sure after he was here, he will remember the kinds of efforts that we made on this subject.

I can only say that I would have to match the kind of work that we have done here with the daily work that has gone on in the labour movement. I do not just mean at the leadership level. I am going to come to that in a moment, but consider the work that has been done on the ground, the extraordinary amount of education, self-education, the extraordinary amount of effort and energy that has gone into making sure that working conditions are improved.

There is not a seminar that I do not go to or a Canadian Labour Congress school or a Canadian Auto Workers school or a Steelworkers school where the question of health and safety is not first and foremost and where there is not developing a real cadre of people across the province who are knowledgeable, who are trained, who are bright, for whom health and safety education has been a very important part of their own education and who can best express their commitment to their fellow workers by getting involved in this field and being there on the front lines.

That whole development is what I believe led to the negotiations between the Ministry of Labour, the business community and various trade unions that is the background to Bill 208. I do not want to make any lessons here in political science for anybody, but I just want to make it very clear that Bill 208 did not fall from the sky. Bill 208 was the product of a very long process of education, of negotiation, of bargaining and of learning that went on among all the players in this field and that has gone on, not just for a couple of months but for several years.

I say to the minister, I know the discussions that went on. I have followed these discussions, as the minister will appreciate, with a degree of intensity which would only be matched if I was actually at the bargaining table myself. I know pretty well the discussions and the to and fro that went on and that led to the repudiation of Bill 106, which was clearly not going to fly, which was the first draft by the Minister of Labour and the decision by the minister, as he then was, now the Minister of Consumer and Commercial Relations (Mr Sorbara), to bring in Bill 208.

I do not think there is anything unusual about that. I think it is entirely normal and healthy that legislation which is as sensitive and as important as health and safety legislation would be legislation that was found to be broadly acceptable to all the parties and all the players in the system, as much as is possible, given the fact that at the end of the day the government is going to make some judgement calls as to what it is going to do and, obviously, the legislation stands in the name of the government.

But I want to suggest to this minister that in seeking to undo or to change in a substantial way what his predecessor agreed to and put forward as government policy, in my judgement—and the minister can learn to live with my judgements and to accept and reject them as time goes on, and he obviously has to listen to others perhaps more acutely than he listens to me—I would say to him that he is really undoing whatever good was done with the introduction of Bill 208.

I would suggest to him that if the government is not prepared to proceed with some of the substantive and substantial changes which Bill 208 represents and rather is going to proceed away from that—and I am going to come to that in a minute—then the minister had better think through pretty carefully just what his own credibility and what the credibility of his own government will be with the labour movement.

I am not suggesting that the minister has done anything that leaves any doubts as to his own



integrity because, to be fair to the minister, we all knew what the name of the game was as soon as it was announced that the previous minister was no longer going to be there as the minister. He received what I think is referred to in the business as a lateral transfer from the Ministry of Labour.

The previous minister, the member for York Centre (Mr Sorbara), indicated when that happened, when it was announced through the papers, because the papers got him when his guard was down, that he was surprised and that he was saddened by the move. I think any of us who know the previous Minister of Labour will know that while he took a considerably roasting while he was the minister, he came to enjoy that portfolio as ministers do from time to time and that he felt very strongly about the improvements that Bill 208 represented.

**1650**

In fact, it is almost sad to read the very vigorous defence the previous Minister of Labour made of Bill 208 in the magazine called OHS Canada. I point out that OHS Canada is a business publication published by Southam. The minister makes a very potent case, not for amendments to Bill 208 and not for a watering down of Bill 208, but for Bill 208. In fact, I think it would be interesting, not just for the sake of the historical record but for all members, to contrast the statements the previous minister, the member for York Centre (Mr Sorbara), made about Bill 208 with the apologetic speech the Minister of Labour (Mr Phillips) made on 12 October 1989, which was the most extraordinary second-reading speech I have ever heard.

What did the minister's speech on second reading consist of? Did it consist of a ringing defence of the reason the government had to bring in legislation to improve working conditions? Did it consist of a ringing refutation of those bald-faced distortions and manipulations of the truth which the construction and development industries and every major industrial organization in this country have brought against this bill?

Did he point out the sheer hypocrisy of an industry that has been responsible for the health and safety of workers and has presided over the destruction of the lives and health and safety of thousands of citizens over the last 100 years? Did he point out the hypocrisy of that kind of attack on legislation coming from the Neanderthals in the chambers of commerce and the Canadian Manufacturers' Association?

Did we have the Minister of Labour standing on his feet and pointing out that these same organizations have resisted every single major

change in industrial legislation, health and safety standards, pension legislation and social services since the middle of the 19th century? No. That is not what we got from the Minister of Labour.

What did we get? We got a statement in the debate on second reading, which is supposed to be a debate in defence of the principles of the bill, saying to everybody: "Don't worry. We are going to amend this thing so that you won't even recognize it."

We now hear the member for Markham (Mr Cousens) predicting on behalf of the Conservative Party that unless changes are made, class warfare will break out all over Ontario and that unless changes are made, this group of people will go down to a defeat such as they have never seen. He has the historical effrontery to compare the Premier of the province with Chamberlain, which I suppose makes those of us who favour health and safety changes, Hitler. Imagine that kind of comparison, suggesting that anyone in the Premier's position or anybody else who is, I guess, appeasing—appeasing what, appeasing working people who have had enough of working 500, 1,000 and 1,500 feet underground and putting their lives in danger every single day of the week?

I want to say this to the Tory party. They were obliterated in the last election because they have missed the boat with respect to the opinions and feelings of the public of Ontario. Let me tell you, Mr Speaker, if they continue with the language and rhetoric they have adopted on this bill, they are buying oblivion in Ontario for the next 50 years, for the simple reason that they are showing an insensitivity to the problem itself.

The status quo cannot be sustained on health and safety. Anybody who understands this problem, anybody who appreciates the history of the discussions and the balances that have had to be struck has to appreciate that the status quo cannot be sustained in Ontario.

What kind of changes have there to be? I want to suggest that it is now left to this party to say that we support Bill 208 in principle, not the amendments to Bill 208 as discussed by the minister, but the bill as it stands. If the Liberal Party and the Liberal government choose to abandon Bill 208 in substance in terms of the difficult compromises that had been reached on particular matters, then let the record show that.

I want to speak to some of the canards that have been raised by those opposed to this bill and to some of the distortions that have been put forward by those opposed to this bill. I particularly want to deal with the difficult clauses that have

been objected to by the Tories in their attempt to find some consolation in 19th-century rhetoric. I want to deal as well with the fact that the minister himself appears to have bought, hook, line and sinker, the objections to this that have come from private industry, which if I may say so, has never shown a particular sensitivity or understanding on this matter.

Let me say that one of the funniest things I have heard come from the mouth of the member for Markham—I have heard him say many funny things, all unintentionally, never intentionally, but one of the funniest things I have heard him say was to read out letters, in all seriousness, from industry, saying—since the letters were all read out unedited, I can only assume that when he was speaking for the construction association, they were speaking for him and he was speaking for them. But there was one marvellous phrase from someone—I am sorry; I cannot remember which one of the many letters it was that he read out—when he said, “We don’t need new bureaucrats and we don’t need more government.

**Mr Dietsch:** Hear, hear.

**Mr B. Rae:** I hear the member for St Catharines-Brock say, “Hear, hear.” The member for St Catharines-Brock will know because he has studied this bill in detail, I am sure, and he has the same clause-by-clause understanding of this legislation as he did on Bill 162.

He will know full well that the whole purpose and philosophy of this bill is designed to get us away from the notion that we can ever hire enough inspectors to enforce health and safety. I do not mind saying that since coming to this place I have given a lot of thought to this question. I suppose my initial reaction when you see the degree of the problem is to talk about more inspectors, and in fact, I suspect if you look back at the debates in 1982 and 1983, that is probably a lot of what we were talking about because that seemed to be the way to go: tougher enforcement, more inspectors, more frequent visits and all the rest of it.

Then as we began thinking about it and reflecting on it in less than a knee-jerk kind of fashion, it became obvious to us that unless you—as the member for York Centre, the former minister who now sadly has to console himself with having his name on every elevator in the province, and that is about it—said, and I am quoting from him, “Either we can hire every fourth person in the province to serve as a labour inspector, or we can begin a process which in the fullness of time, when fully in bloom, will give

us a system where the workplace parties themselves are taking more responsibility.”

I could not have said it better myself. The alternative to what is contained in Bill 208 is precisely the bureaucratic nightmare that the Tories say they want to avoid. The choice for the Tories, or the choice for Ontario, given that none of us wants to see that because it is not going to work, the question then becomes, when you devolve responsibility down to the level of the firm, down to the level of the factory, down to the level of the construction site, when you accept the fact that it is not possible to create a bureaucratic structure that can work in this way and you have to give the responsibility down to the local level, who are we going to give that responsibility to?

Let’s not hear any of this nonsense from the party over here about how the alternative is all these bureaucrats. That is not what the alternative is. The question is, who is going to call the shots on health and safety in the workplace? Who are we devolving to? Now the question becomes, who do you trust and what do you really believe about what happens in the workplace?

**1700**

Here I must confess I am a democrat. I believe profoundly. I am a New Democrat; I am an old democrat and that is the way it is. If we are really interested in saying, “Let’s go for the democratic solution and not the bureaucratic solution,” because we have already admitted the bureaucratic solution is not going to work—we have already accepted that, I think, as a consensus in the House. I think it is a commonsense acceptance across the province. We only have to look at the experience of economies that are sclerotic with bureaucracy to understand they are no good for anybody.

Then the question becomes, what is a democratic workplace going to look like? How much are we really prepared to trust the parties who are working in the workplace? How much are we really prepared to share power in the workplace? How much are we really prepared to share responsibility? If the Liberals have missed this, they have missed something very important.

When the labour movement accepted Bill 208, the labour movement made, I believe, an extremely important statement to the people of this province because what it said was, “We will accept responsibility if you are prepared to give us some power.” That was a statement for which some in the labour movement were criticized. The minister will know, every member who reads the paper will know, that there were some



in the labour movement who were critical of that approach.

I say to the Liberals that if they blow this opportunity, they will have no one to blame but themselves for the consequences that will flow from a labour movement which says, "If you are not going to give us any authority in industry, if you are not going to devolve on us democratically a little bit of power to have a say in how decisions get made around this place, then don't expect us to take responsibility for what happens." Who could blame anybody for saying that? That is precisely the commonsense response they will get.

I know the pressures the government is under from the business community. The business community has to be educated in what a democratic society is all about. They have never understood what a democratic society is all about. The debate is not about socialism. It is about democracy. It is about how you make things democratic. This health and safety measure is about what an industrial democracy will begin to look like over a matter that affects the lives and the health and safety of people.

In the arguments I had in this House on workers' compensation back in July when the Liberals, again, took us down a terrible path, I made what I thought was a very commonsense point and I will make it again. The reason we have to trust working people with health and safety is because it is their health and safety we are talking about.

How many of the 450,000 claims that go before the Workers' Compensation Board are made by managers? How many people working in the office towers here, in New York and in Chicago are people who have died as a result of an industrial accident? When was the last time a president of Inco was killed underground? When was the last time the president of Macmillan Bloedel, any president of Macmillan Bloedel, fell 100 feet to his death or lost a limb because a chainsaw went out of control? How many people do we know working on Bay Street who at age 55 can hardly walk any more and cannot lift more than a pencil because their backs have been destroyed by industrial labour for 50 years?

These are the most fundamental ethical questions we face as members of this House. The reason we have to trust workers with health and safety is because it is workers' health and safety that is on the line every day. I go to Timmins and speak to the women who are members of the VOME organization, Victims of Mining Environment, and look at the faces of the women who

have been fighting for 20 and 30 years for compensation and talk to me in the most blunt and moving terms about how they heard about their husband or how they heard about their brother, about the cancer and the dust and the accidents. What manager faces those risks? What executive faces those risks?

We are dealing here with fundamental questions about what the relationship between capital and labour is going to be in a democratic society in the 1990s. I say to the Liberal Party that Bill 208, in my view, represents a historic opportunity to do the right thing and that if it betrays the trust and, yes, betrays the commitment of support that was made for this bill by people who negotiated knowing full-well the fine line they were walking when they made that commitment, then it will have an effect.

It will have an effect on industrial relations, on people's sense of confidence and on relations between the labour movement and this government for many, many years to come. I do not say that in the same spirit in which it was made by the member for Markham, saying, "What is going to happen?" I have stopped predicting long ago what the electoral consequences will be. I am under no illusions about my capacity to predict those things and I have no idea. For all I know, this government could be elected when all its members are in jail. Anything is possible.

**Mr Ballinger:** I beg your pardon.

**Mr B. Rae:** Mayor Curley was. Anything is possible.

I say to the government that when you look at the substance of this—we were talking today about Hungary. We were discussing today the impact of that and you have such exciting developments in eastern Europe. You have people who have realized that a sclerotic command economy cannot work, so they are talking about a democracy. "How do we create a democracy?" They are debating on the shop floor and they are debating at the plant level: "How do we make these things work together? How do we build it? We know that capitalism in its old form does not work. We don't want to go back to the old industrial autocracy. We don't want to live in a world where everybody is trying to make money off the backs of everybody else, but we want to create an economy that's got some democracy in it, some bounce, some individual initiative, some openness."

At the same time, in the west we are going to have to deal with this question as well, from a very different perspective. Does that mean industry is going to lose some unilateral power?

Yes, it has to. Does that mean power is going to have to be shared? Yes, it has to mean that. Whether we are talking about pensions, whether we are talking about health and safety, whether we are talking about making a marketplace work for people, this is what we are talking about.

What is so terrible about having a structure in which government says to workers and to management: "Share the power. Share the responsibility. Share the blame if things go wrong." Labour understood that and the consequences of that. "But also share the initiative. Share the training. Share the education."

**1710**

The Construction Safety Association of Ontario is a joke. Do members remember the ads they used to run? They used to run an ad of an asbestos victim on television—I remember seeing that ad—and it said, "If only he knew." Do members remember that ad? They had this poor guy lying on a hospital bed, saying, "If only he knew."

Any historian, in a moment of dispassion, would point out that the Johns-Manville company knew about the effects of asbestos for half a century before it told its workers, so the question is not if only he knew; the question is if only the company had had the guts, the courtesy, the decency, the common sense of humanity to tell the workers what the hell they were working with when the company knew that it was a carcinogenic substance.

Maybe the ad would say, "If only the government had had the guts to enforce the law and tell the workers what the government knew and what the government bureaucracy knew," which was years before the workers were ever told.

**Hon. Mr Black:** It must have been a Tory government.

**Mr B. Rae:** The member says, "It must have been a Tory government." Of course, it was a Tory government, but I say to the member for Muskoka-Georgian Bay that when we made the changes in 1985, one would have hoped that the changes would have led to some real reform that would have changed the nature of health and safety in the workplace.

I would say to the member that he is going to have to listen carefully in cabinet and he is going to have to think it through very carefully, but I can tell him when this thing goes out to committee, he should not think he is not going to hear very directly from people in his own constituency, on both sides, who are going to be asking him to make a choice: to choose whether he believes in essentially employers continuing

to hold the upper hand when it comes to health and safety or whether we are going to see a greater balance, whether we are going to give workers some effective rights to enforce the law or whether we are going to continue to say: "No. Sorry. We have to get that inspector in there. He's going to have to come in two or three days later and find out what the problem is and take it from there."

The government has suggested making some changes which it has already announced. They have already thrown in the towel even before the debate has really begun in committee. I can say to the minister that it flies in the face of the commitments that were made by his predecessor. It also flies in the face of what I think makes sense.

If you are going to devolve power to people locally to enforce the law and to make sure that the law is being obeyed, you have to have an enforcement mechanism. Anybody who looks at any situation will know that you have to have that. What do you do when the dispute breaks out and there is no resolution of the dispute? Right now, what happens is that the employer's decision is the decision that stands.

What Elie Martel found in his study of the internal responsibility system was that, because it did not deal with this power imbalance within the company and because the nature of industrial production and the production process generally gives the upper hand to the process and to the momentum for the process, that in fact power was not equally balanced and in fact it was almost impossible in critical situations to enforce the law.

I believe the decisions that were made by the member for York Centre with respect to the right to refuse work or to stop work where health or safety is in danger were changes that in principle we can support. I think in principle they can be supported by a majority of members in this House because what it says is not that any member can stop work, not that any local union president can stop work; what it says is that a member who has been certified and who has been trained in a program that is jointly run, jointly managed, jointly conceived and where certification is a joint decision, that worker becomes a cop, yes, but he is not just a cop for the union or a cop for the workers, he is a cop for health and safety.

Either we give this right to workers or, as I say, we leave it in the hands of the government bureaucrats or we leave it in the hands of the employers. I think it is the record of the



employers that is in the jury box at the present time. It is the record of the Tories, of the employers, that should be on trial.

Now, where he says here, "A certified member who finds that (a) a provision of this act or the regulations is being contravened; (b) the contravention poses a danger or a hazard to a worker; and"—these are all together—" (c) the danger or hazard is such that any delay in controlling it will cause serious risk to a worker, may direct the employer to stop work specifying the work or the use of any part," etc., "that shall be discontinued."

Then it has, "If there is a disagreement...." The employer does not have to lie down and say, "I agree with you." The employer can, in the run of things, say: "You're wrong. You're full of it." They then notify an inspector and the inspector comes in. Let's say, for the purposes of argument, that a judgement call is made by a certified member. That judgement call is disputed by an employer. The work stoppage continues because that is in the act, but one can rest assured, Mr Speaker, that in a practical situation, if an employer is saying "I think this member is out to lunch; can you get down here?" do you not think the inspector will be down there rather quickly? Would your experience teach you, with your experience of the way the world works, that where you get a company phoning up a Minister of Labour and saying, "You had better get your buddy down here, because this is nonsense," do you not think that would tend to happen rather quickly? I think so.

Then, as soon as he gets there, the inspector can say, "What is this? Get on with it." Then if they find that a certified member has been frivolous or that a certified member improperly, negligently or in bad faith exercised a power under subsection 23(a), an immediate complaint can be filed with the health and safety agency and that agency can decertify that member, bingo.

I want to contrast that with what has to happen now. Mr Speaker, in my experience, do you know who benefits? In a big plant, in a large industrial plant, you can have an illegal work stoppage as long as everybody goes out. You can sometimes get away with an illegal work stoppage if the causes of it are clear enough and outrageous enough, and you are then into a whole other dispute which becomes enormously complicated and, from my experience in industrial relations, usually gets resolved. It is sort of like Brazil. Brazil's debts somehow get forgiven or get taken care of or dealt with or handled because they are so enormous.

I am not being critical of any industrial union. I am simply saying that a larger industrial union has a better shot at using the old law and simply making it work to the benefit of its members, because that is how it works. But, Mr Speaker, consider the workplace where the workers are not organized. Consider the workplace where you have a bunch of people who have very little English. Go into a bucket shop anywhere in the Metropolitan Toronto area right now, which I know quite a lot about. Go to a plant that employs 50 or 100 workers. It makes fibreglass or it makes steel products. It might be quite a dusty, dirty plant. There might be problems. They are making \$5 or \$6 an hour, as my colleague the member for Sudbudy East (Miss Martel) points out. The vast majority of those workers would not speak English as a first language. Literally, going into one of those plants, as every member here knows, is like walking into the United Nations. You have people who got off a plane a year or two ago, and they make up the majority of the workers in that plant. They do not know what they are working with. Probably the manager does not know what the stuff is. He just knows he has to meet that deadline and get that stuff out there, and that is how he makes his buck. He is not making a whole lot of money; he is making a little bit of money.

What do these workers have by way of protection now? Nothing. They can call up an inspector and say, "We'd like you to come down," and the inspectors say, "I'll put you on the list." Maybe if they are lucky, an inspector will get there in two, three or four weeks. If there has been a death, if it makes the Toronto Star or if we raise it in the Legislature because there has been a death or we have had a tip from a worker who may have been involved in an organizing drive or whatever—I do not know whatever it might be—then maybe action would be taken in that plant, but not otherwise. Then we have to ask ourselves the question, if they do not get Bill 208 in its current form, what have they got? Nothing.

1720

Interjection.

**Mr B. Rae:** No, nothing. That is the reality of what we are facing. I say to the member for Durham Centre (Mr Furlong), who scoffed when I said "Nothing," I do not know what he is referring to. If he is saying the status quo gives them a whole lot, then he is not living in the same universe I am living in. If he is saying that the Liberal Party is going to be able to get away with making these amendments and making this process work without the co-operation of the

labour movement, I say to him he is dreaming in Technicolor.

The minister cannot lead the labour movement along on a process of negotiation and take the labour movement up to accepting Bill 208 in its current form and then say, "We were getting so much pressure from the employers, there are just a few more changes we want to make." It will not work. It will not work for the simple reason that the labour movement will not participate in this process, in my view, in my judgement.

I say to the minister that if the labour movement does not have confidence in the process, then it is not worth all the effort; it is not worth a candle. It is not worth the effort that has gone into it. Having a consensual bill that does not have a consensus behind it is a waste of time. I say to the government in all honesty, I am not surprised at what has happened. I predicted it would happen. I am not amazed or astonished that it has happened, but it will have consequences. It will have consequences for industrial justice. It will have consequences for the health and safety of workers, but most important—and this is really where I want to say something positive to end with—it is an opportunity missed. This represents an opportunity.

I can tell members that we sweated blood and tears over the fraud that we felt in terms of the existing accident associations, the fact that they were so undemocratic and so unrepresentative and so old-fashioned. We have struggled for so long to create a world in which industrial workers can get some responsibility and some authority for the work they do.

I would commend to members who may not spend much time with organized labour representatives to go to a union school and meet the people who are learning about the law and how it works, and look at the enthusiasm in their eyes; people who dropped out of school in grade 8 and grade 9, people who perhaps are recent immigrants to the country who never really had much education. The labour movement for them represents their education and represents their opportunity. The world of work, for them, represents their chance, and health and safety is for them, it is their lifeblood, it is their learning about the law and how it works, and look at the enthusiasm in their eyes; people who dropped out of school in grade 8 and grade 9, people who perhaps are recent immigrants to the country who never really had much education. The labour movement for them represents their education and represents their opportunity. The world of work, for them, represents their chance, and

health and safety is for them, it is their lifeblood, it is their learning about the law and how it works, and look at the enthusiasm in their eyes; people who dropped out of school in grade 8 and grade 9, people who perhaps are recent immigrants to the country who never really had much education. The labour movement for them represents their education and represents their opportunity. The world of work, for them, represents their chance, and health and safety is for them, it is their lifeblood, it is their opportunity to express themselves, it is their chance to take some responsibility for what goes on in the workplace.

We face a choice in Ontario, as every country does, as every jurisdiction does. We can either continue with the old ways of doing things, in which management continues to manage and workers continue to take the consequences of that for better or for worse, or we can create a different kind of industry in which power is genuinely devolved, in which power is genuinely shared, in which it is widely understood and appreciated that the opinions and feelings and values and interests of people matter on the ground and in the plant, not just in some theory, but really matter, and that the views of somebody who is experienced on the job, who knows the industrial process from A to Z and knows everything that works and does not work in that plant, when he or she sees something going wrong and says, "This is going wrong," the boss does not say, "Forget it, Charlie. I'm in charge here. Who the hell are you?"

We are trying to change that. That is what Bill 208 changes. It is not the revolution, but it is progress. I say to the minister, he tampers with it and he changes its principles at his peril.

**Hon Mr Phillips:** I agree with the leader of the official opposition. I think if we do not pass Bill 208 retaining the key elements of Bill 208, it is a missed opportunity. I think it is a goal that I am very much dedicated to, to ensuring that we pass Bill 208, which will be seen to be and will be the most progressive piece of occupational health and safety legislation in North America.

I very much would encourage the committee, although it will be its decision, to spend a good deal of time getting public input into the bill, but, importantly, I think it will develop a lot of commitment to the bill because it is an essential element of the future of health and safety in this province.

The Leader of the Opposition said, and I agree with him, that the status quo is unacceptable. I find it difficult to remind ourselves of some of the



statistics. We heard them earlier today but I will repeat them. There are over 400,000 accidents every year in the workplace in Ontario. Over 360 individuals die each year in Ontario as a result of accidents or workplace illness.

There is an enormous economic cost, although I hate to dwell on the economic cost because there is a much more important issue and that is the human cost. But the economic cost is where workers' compensation each year has a compensation bill of around \$1.5 billion. The really important aspect of all this is the human tragedy that is represented by accidents in the workplace.

There is no question the status quo is unacceptable, unacceptable to our party, unacceptable to the Legislature, unacceptable to the people of Ontario. That is why it is extremely important that we deal with Bill 208, that we pass this piece of legislation that will substantially enhance occupational health and safety in the province.

Just to go over some of the basic tenets behind it, and the Leader of the Opposition touched on a few of them, a key one is the partnership in the workplace. He is right—it is impossible for the government to have enough inspectors to deal with occupational health and safety. There is no question that the best occupational health and safety exists where there is a partnership between the employees and the employers. That is absolutely fundamental to this bill. It underlines everything that is in the bill.

A second basic tenet in the bill is the need to dramatically improve the whole area of education and training around occupational health and safety. Employees must know what they are facing in the workplace, must know the hazards they face in the workplace, must have the knowledge to understand how to deal with those issues in the workplace. That is fundamental to this bill and fundamental to the tenets of it.

Also fundamental to it is to ensure that we provide individuals with the rights to deal with that responsibility and give individuals the rights to deal with their own occupational health and safety. If we are going to tackle in a substantive way the carnage that takes place in the workplace, we have to ensure that we give the employees the necessary rights to deal with those issues in the workplace.

Lastly, there is the accountability for those rights. Certainly, if we look at Bill 208, things like substantially improving and raising the fine rates will be a help to ensuring that we demand accountability in the workplace.

There are three key areas in which we have proposed change in Bill 208. One is in the whole area of the right to participate. The second is in the whole area of the right to know and the third is in the whole area of the right to use the knowledge and the training that will be provided.

### 1730

I would like to touch on each of those because I think it is extremely important—we will be debating the possibility of change in the bill, but let us never lose sight of the very substantial changes in this bill that will improve occupational health and safety in the province.

The first is the establishment of the workplace health and safety agency. I would remind the members that the agency will be made up half with individuals from the labour side and half with individuals from the management side. The labour representatives of the agency—and I make no apology to the third party—will be made up from organized labour because organized labour does represent the workplace. Organized labour has dramatic and substantial experience in the whole area of occupational health and safety and a proven track record of making a major contribution to occupational health and safety. So the establishment of that agency with equal partnership within that agency is a key element.

We are substantially enhancing the number of joint health and safety committees. I believe the opposition asked how individuals in the workplace would have some rights. How will they have knowledge in the workplace? We are moving from roughly 30,000 to 50,000 joint health and safety committees in this province, a substantial increase in the numbers.

The member for Sudbury East in her comments asked about the whole area of construction and what we are doing to improve health and safety in the construction industry. Currently I think there are about 10 joint health and safety committees in the construction area in the province. We are going to move to 5,000 joint health and safety committees in the province. Each construction site which has 20 or more individuals who are working on that project over the life of the project will have a joint health and safety committee.

We are going to require health and safety worker representatives in an environment where there are from five to 20 employees. In terms of the whole area of the right to participate, we are substantially enhancing that, particularly, for the first time ever, in a province-wide workplace health and safety agency made up of half the people from the management side and the other

half from the employee side and using, from the labour movements, experts in the whole area of occupational health and safety. That is the first thing, the right to participate—a substantial improvement in that.

The second thing is the right to know. The Leader of the Opposition wanted to know how an individual in a workplace will become aware of problems in the workplace. We have a joint health and safety committee in every organization with 20 or more employees. We are going to impose on that organization or company the need to inform the joint health and safety committee about testing which goes on in the workplace. We are going to impose a right to do a once-a-month inspection in the workplace—for the whole workplace a complete inspection at least once a year. We are going to impose on the workplace a substantial increase in the whole area of right to know for individuals in the workplace—the right to know what is happening in the workplace and the right to know about hazards in the workplace.

The third area is the right to use the knowledge. We are extending, as I think everyone in the House realizes, the right to refuse unsafe work, to substantially increase the number of instances where one can refuse unsafe work. We are requiring in the workplace certified workers who will be knowledgeable about occupational health and safety and certified employers. So in each case where we have 20 or more employees and a joint health and safety committee, there will be a requirement to have a certified, trained worker representative and a certified, trained employer representative.

So the bill provides for a dramatic increase in the area of the right to participate, the right to know and the area of the right to use that knowledge. Bill 208 promotes these principles. It represents a substantial improvement in the area of occupational health and safety in the province.

We are proposing that the committee consider some changes, and I think it is important to review those changes because I think some will characterize them as dramatic. I would characterize them as improvements in the bill that enhance Bill 208. The first we are suggesting is to look at the agency. Right now, as I said earlier, the agency will be made of 50 per cent from the labour movement and 50 per cent from management. We are suggesting the committee consider instructing the agency to appoint a neutral chair. I realize the labour unions are concerned that may

change what is regarded as the bipartite nature of the committee into a tripartite.

In my opening remarks a week ago, I stressed the need that the chair, in order to retain the bipartite nature of the committee and in order to retain the support of both sides, be acceptable to both sides. We find a mechanism that both sides make that selection of a mutually agreeable chair, so that we do not change the bipartite nature of that agency, and I agree with this. I think it is very important that we have the support and commitment of the labour movement in this whole area of Bill 208. That is my goal.

The second one we are looking at is in the construction industry. Originally, we were looking at certified workers being required on projects of 20 or more workers. As we looked at that, it became clear—because of the nature of construction projects—that it would be difficult to ensure that we had a certified worker on the site at all times on a project of 20 people, because on a project of 20 people there may only be three or four tradespeople on the site at one time. So we looked at the need to ensure that we had a certified worker. What we are suggesting the committee consider is that we have the certified worker requirement only on projects of 50 workers. We will still have the joint health and safety committee on projects of 20 but the need for certified workers will be for projects of 50, so that we would be assured that we would have a certified worker on the project at all times.

The third area we have asked the committee to consider changing is in the safety associations, where we are, as I think most members know, requiring the safety associations to move to having on their boards of directors 50 per cent from the workers and 50 per cent from management. We are suggesting that we give the safety agencies a longer period of time, two years instead of one year, in order to adopt that.

We are suggesting in the three previous areas some possible amendments for the committee to consider, amendments in the agency to have a neutral chair, amendments in terms of requiring certified workers on projects of 50 or more, and amendments in looking at the safety associations and giving them additional time. But in the whole area of the right to stop work, we are not proposing changes; in fact, it may be that after the committee process we stay exactly as Bill 208 is currently written. It may be that. It may be that. But I will say this, that we believe it requires a good deal of public discussion and input.

On the one hand, it is possible that the current provision is the best one, which essentially says,



under certain conditions, if there is imminent danger and it is clear that occupational health and safety laws are being violated, and it requires immediate action, the certified worker can close that production site down and inform the employer.

It may be that is the best approach. However, as I have become involved in the process, I realize that I do not believe that right currently exists in any workplace in the province. I have not been able to find that yet, and certainly as I looked at and talked about collective agreements, where they have worked out some of the better arrangements between the union and management, that right is not there. So I say to myself, is there a better way? If, in the collective bargaining process, that has not yet taken place, maybe there is a better way to do it.

I at least raise that question because there are many examples where there is solid, substantive occupational health and safety progress being made that does not have that right in it. I really believe we need to look carefully at this provision. It is one that we will find, as we get out to the public hearings, there is a lot of debate about and I am not prejudging what the solution may be.

**1740**

As I say, I just know that right now the right we are proposing in Bill 208 does not exist in any workplace. Maybe that simply means it should or maybe it means there are some other, better solutions. I would ask the members of the committee and the Legislature to really spend a good deal of time looking at that. There is a danger in this, that we will lose the tremendous opportunity we all have to dramatically improve health and safety in this province because there are one or two issues that are really tough. I do not mind tough issues. I will work at it to find the right solution, but I encourage all of us to do that. This is one of them.

Perhaps the toughest part of the bill is, how do we ensure that workers in this province are not subject to working in conditions that puts them at risk. How do we ensure that? What is the best way to do that? I just say to the members, because that right does not exist currently in any workplace, maybe there is a better way to do it.

I want to chat briefly in the next three or four minutes about some of the comments the members made earlier in the debate, asking me, first, why the proposed changes now? Why not let the committee simply find those changes? I felt it was only honest and straightforward of me to come forward with those three changes I am

proposing because they are ones that over the consultation period that has taken place over the last eight months seem to make sense. They are ones that seem to improve the bill.

I felt that if that is what we feel, and that is what I feel, the honest approach was to lay them out before the committee and let the committee have the benefit of that, let the committee have the benefit of those suggested amendments and let the committee hear the debate on it.

The second issue is the one that concerns all of us, and that is the question of whether we have diluted the bill in a substantial way. Have we, to use the term some might use, gutted the bill? As I look through the amendments I have proposed, I honestly do not think we have. The key elements of the bill are in place. I do not think the change of a neutral chair guts the bill. The recommendations on the construction changes, I think, are practical and workable and the other one was not workable. The recommendations on the safety association are practical and workable and do not gut the bill.

The stop-work one is the one that I think, as I said earlier, will require the most amount of work. I realize the committee is going to have a very difficult job, as the Leader of the Opposition said. We will hear both sides of that issue and the resolution of this one will be fundamental, obviously, to the success of Bill 208.

As we draw to a conclusion, I want to speak as strongly as I can in favour of the bill. As we work our way through it, and the committee will make its own decisions on time and on public hearings, I hope that we get broad public input into it. At the end of the process, my goal, our goal, is a piece of legislation that is second to none, that will begin in a very significant way to tackle the intolerable figures we see in the workplace, the intolerable injuries we see in the workplace, and worse still, the intolerable deaths we see in the workplace.

The bill represents really strong improvements in terms of the right to participate, the right to know and to be knowledgeable about the workplace, the right to training in the workplace and the right for individuals in the workplace to have a say and a role in determining their own future in the workplace.

I appreciate the opportunity to wrap up. I appreciate the fact that we still have much more to do in terms of moving forward on the bill, but I personally am confident that this House will ultimately pass a bill that other provinces and other jurisdictions in North America will come to

view as the finest piece of occupational health legislation in North America.

Interjections.

**The Deputy Speaker:** Order, please.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for standing committee on resources development.

**Hon Mr Ward:** Mr Speaker, I would like to seek unanimous consent to revert to introduction of bills under routine proceedings.

**The Deputy Speaker:** Is there unanimous agreement?

Agreed to.

## INTRODUCTION OF BILL

### EVIDENCE AMENDMENT ACT, 1989

Mr Ward, on behalf of Mr Scott, moved first reading of Bill 70, An Act to amend the Evidence Act.

Motion agreed to.

## ORDERS OF THE DAY

### EMPLOYER HEALTH TAX ACT, 1989

Mr Mancini moved second reading of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payments of Premiums under the Health Insurance Act.

**Hon Mr Mancini:** I am very pleased to have the opportunity to bring some information to the attention of the members of the House as it refers to Bill 47, the employer health levy. This bill implements the proposal in the budget of the Treasurer (Mr R. F. Nixon) of 17 May 1989 to eliminate OHIP premiums and to establish an employer health levy.

**Mr D. S. Cooke:** Time, time.

**Hon Mr Mancini:** I know the member for Windsor-Riverside (Mr D. S. Cooke) wants to abolish OHIP premiums because I thought some time ago I heard him say something about OHIP premiums and how unfair they were and I am happy to say that I expect the support of him and all of his colleagues in the abolition of OHIP premiums.

The bill contains the necessary provisions for introducing the new tax, as well as amendments to the Health Insurance Act, to phase out OHIP

premiums. Both changes become effective in January 1990.

This act will improve the access to quality care for all Ontarians. It will replace a regressive and unfair system of health care financing with a more equitable and progressive method. Low- and middle-income Ontarians who now bear an unfair share of the health care costs will be relieved of this financial burden.

As the Treasurer described in his budget statement, these steps are also necessary to offset a reduction of \$3 billion in the established programs financing from the federal government over the next three years. This is on top of the billions of dollars that have already been taken away from the province of Ontario by the government of Canada since the election of Brian Mulroney.

In the 1990 calendar year, the employer health tax is expected to generate \$2.1 billion in revenues from 450 employers in Ontario. This replaces \$1.8 billion in OHIP revenues. OHIP premiums, which have been frozen since 1985 upon the election of the Liberal government, now provide only 13 per cent coverage of health care.

The employer health tax is expected to cover 15.1 per cent of the cost of health care. In addition, all Ontarians will contribute to the new health care system through a one per cent increase in Ontario personal income tax. This is expected to generate 1.7 per cent in additional health care coverage and will provide the basis on which the self-employed will be making their contribution to the coverage of these costs.

## 1750

The employer health tax will require employers with permanent establishments in Ontario to share the cost of providing health care services to all Ontarians. Based on the size of their payrolls, employers will pay a graduated tax of between 0.98 per cent for small business and 1.95 per cent for larger business starting in January 1990.

I would like to point out to the honourable members that this graduated rate will be the lowest provincial health tax in Canada. Quebec and Manitoba, with similar legislation, have rates of 3.36 per cent and 2.25 per cent respectively.

It should also be noted that Ontario's and indeed Canada's health care financing is considered an enviable, competitive advantage to our neighbours in the United States where health care costs are completely out of control and where I have read that by the year 2000, 25 per cent of all hospitals may close.



Some companies that now pay the full amount of their employees' health insurance will realize substantial savings under the new act. The employer health tax will also lessen the burden of administration on employers as they will no longer have the responsibility of administering OHIP groups.

Employees will continue to be registered under their existing OHIP numbers. Employers will simply remit payments on either a monthly or a quarterly basis. The payment will be calculated by multiplying the appropriate tax rate by the total remuneration paid to employees during that period.

The graduated rate and remittance frequency are sensitive to the needs of small business. Smaller companies will pay a lower tax rate, to be remitted quarterly. This ensures that tax rates are progressive and that the administrative filing requirements are reduced as much as possible.

The employer health tax will make the financing of health care fair and equitable for all employers and employees as it eliminates the current patchwork of employer OHIP payment schemes. Currently employers have an option of offering full or partial payment of their employees' health care insurance as part of their pay package.

It is a fact that the employer health tax will put \$1 billion back into the pockets of the residents of this province. Individuals who pay directly to OHIP for their own coverage and that of their families will save \$714 in the first year.

People who work for more generous employers who pay for their employees' OHIP coverage will also realize a saving in taxable benefits equivalent to \$665 in the first year. This saving of \$550 million for people who pay direct and \$450 million for people in group plans means there will be an extra \$1 billion in spending power pumped into the province's economy.

This act not only confirms the government's commitment to providing Ontarians with quality health care, but also addresses the recommendation of the Social Assistance Review Committee to provide universal access to health care in the province. The Social Assistance Review Committee reported that the elimination of OHIP premium payments "would greatly improve access to health care, particularly preventive health care for many low-income people."

The employer health tax does not apply to individuals who are self-employed. Pensioners are exempt unless they have employees. Other exempt groups include embassies, consulates, native people transacting business on a reserve

and payrolls relating to native people working for a corporation on a reserve.

However, as I described earlier, all Ontarians, including the self-employed, will continue to contribute to the health care system through a one per cent increase in the Ontario personal income tax. Residents of Ontario will no longer have to pay OHIP premiums as of 31 December 1989.

Large employers will commence monthly employer health tax payments in January 1990, the first payment being due on 15 January. Small business employers will commence quarterly payments in April 1990, with respect to January to March liability.

Again, I would like to emphasize the fairness of a tax which is based on the actual pay, rather than the prepayment of insurance premiums. This act is now scheduled to go into effect on 1 January 1990, and I will be introducing amendments in committee in this regard.

To eliminate any perceived double payment of a tax for the month of December, there will be administrative provisions similar to other taxation statute provisions administered by my ministry, to cover such items as assessments, refunds, interest payments and also offences, to ensure fairness and compliance with the act.

In closing, the Employer Health Tax Act introduces a system of health care financing in Ontario that is not only more equitable and progressive, but also a simple tax which benefits all Ontarians. We in Ontario are proud of the quality of our health care. The employer health tax will enable us to continue to protect this high standard of care while also minimizing the financial burden on the residents of this province.

**The Deputy Speaker:** Questions et commentaires sur la présentation du ministre? Sinon—

**Hon Mr Mancini:** I move that we adjourn the debate.

**Ms Bryden:** There are two minutes that I might use to speak on the bill.

**The Deputy Speaker:** I have a motion in front of me.

**Hon Mr Mancini:** She might not want to break up her presentation, but as far as I am concerned, if the member wants to use the three minutes that are available, by all means.

**The Deputy Speaker:** There is only a minute available.

**Ms Bryden:** I just wanted to say that my first comment will be that I am disappointed that the new minister is not giving us better service than we have had on other bills from this government. The compendiums came very late and now we

are presented with 21 amendments, which I just received today. Even though they are dated Friday, they must have been delivered about midnight Friday.

I think this is a typical pattern of this Liberal government to give the opposition as little notice as possible of legislation and as little information as possible on the legislation. Therefore, I think

the minister should be setting a better example as a new minister in this field, to provide service to the opposition parties.

On motion by Ms Bryden, the debate was adjourned.

The House adjourned at 1800.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
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 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
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 Fleet, David (High Park-Swansea L)  
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 Haggerty, Ray (Niagara South L)  
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**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

**Oddie Munro, Lily** (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

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**Owen, Bruce** (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

**Pelissero, Harry E.** (Lincoln L)

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**Philip, Ed** (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

**Poirier, Jean**, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

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No. 57

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Tuesday 24 October 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 24 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### CENTRE MÉDICO-SOCIAL COMMUNAUTAIRE

**M. Allen :** Hier matin, à l'ouverture du Centre médico-social communautaire de Toronto, j'ai eu l'honneur et le privilège d'apporter les félicitations de l'Opposition officielle de l'Ontario et de tous les néo-démocrates.

Il y a longtemps que notre parti a promu l'idée de tels centres communautaires comme institutions principales pour la livraison de services médicaux. Ce centre, qui est un exemple d'avant-garde, a été conçu à l'intention de toute personne francophone venant à Toronto pour y recevoir des services médicaux, de toute la population francophone du grand Toronto et de tous les francophones de passage également.

Il offre au public, entre autres, des services d'accueil et d'orientation, de traduction et d'interprétation à l'hôpital, d'hébergement à prix modique, de consultation et de suivi médical avec un médecin francophone, d'infirmières en clinique et dans la communauté, d'aide d'urgence, de liaison avec les ressources communautaires et de counselling.

Nous tenons à souhaiter bonne chance à la communauté francophone de Toronto et à tout le personnel du Centre médico-social communautaire de Toronto. Nous avons toujours été solidaires de leurs revendications et de leurs luttes en vue de recevoir des services en français. Nous sommes heureux que ces efforts aient enfin porté fruit.

### HIGHWAY SAFETY

**Mr J. M. Johnson:** This government has made a commitment to the people of Ontario to improve highway safety. I am very supportive of this initiative and would encourage the Minister of Transportation (Mr Wrye) to consider using Highway 6 between Guelph and Owen Sound as a pilot project in highway safety.

This 130-kilometre stretch of highway connects the Niagara Peninsula with the Bruce Peninsula and carries an extremely heavy traffic

flow every weekend. As well, it serves a very active rural area, carries heavy local traffic and connects two cities.

Highway 6 has many bridges, curves and hills, making passing extremely difficult and dangerous, especially in the winter months as this highway passes through a very heavy snow belt, an area that is subject to deep snow, heavy drifting and white-outs.

The Minister of Transportation should consider the feasibility of constructing appropriate passing lanes on this highway as there is not a single passing lane in place at this time. It is my contention that the construction of passing lanes would contribute immensely to making this highway much safer, and I would encourage the Minister of Transportation to immediately initiate a feasibility study of this project.

### DRIVING SKILLS

**Mr Faubert:** In 1988 in the province of Ontario, there were 203,000 automobile accidents resulting in 121,000 injuries. The cost of these injuries in terms of bodily injury claims amounted to \$1.8 billion. The personal costs in terms of pain, suffering and even death for victims of accidents and their loved ones are even more devastating.

This week, the Minister of Financial Institutions (Mr Elston) introduced legislation for the Ontario motorist protection plan, which will address the problems associated with the rising costs of driving in Ontario.

I would like to advise the Legislature of the efforts of one of my constituents which will assist in the effort to reduce the amount of accidents and injuries on our roads.

Ian Elder was involved with the Institute of Advanced Motorists in the United Kingdom, and he is attempting to establish a similar association here in Ontario. He has also taken on the task of attempting to set up an advanced driving association across Canada.

It is founded on the fact that when the driving skills of a motorist are improved, the result is fewer accidents and therefore fewer injuries and deaths on our roads. This fact is substantiated by professional drivers, who state that advanced



driving skills are the most important component of safety on our roads.

This institution would be financially self-sustaining and would promote safer driving through its advanced driving tests and the activities of drivers who have successfully passed the test levels.

I commend Mr Elder for his efforts to improve the level of driving skills on our roads. I urge all members to support this and similar initiatives related to improving the safety of driving on Ontario's highways.

### CORRECTIONAL FACILITIES

**Mr Philip:** As of this morning, there were 694 inmates at the Metropolitan Toronto West Detention Centre. According to the Ministry of Correctional Services' own statistics, operational capacity at the Metropolitan Toronto West Detention Centre is 456. Thus, as of this morning, the centre was 238 inmates over its operational capacity.

According to union figures, 67 correctional officers have been suspended for refusing to do work that can only be described as deplorable, dangerous and unsafe. Untrained personnel are now undertaking their work. The ministry claims 53 correctional officers have been suspended. Whatever the actual figure of suspension, these officers have, through their representatives, warned the ministry for some time that the situation at the Metro Toronto West Detention Centre is deteriorating.

As early as 1977, the Ombudsman of Ontario, Arthur Maloney, warned the government about the serious conditions in our detention centres. Since then, my colleagues and I in the New Democratic caucus have called on the ministry to deal with the problem.

Instead of punishing those who in desperation are using the only measure they have to get the government's attention, the government should be responding to their concerns. I call on the Minister of Correctional Services (Mr Patten) to do so before we have a coroner's inquest making recommendations similar to those that Arthur Maloney made in 1977.

### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr McLean:** My statement concerns the current strike of more than 8,000 teachers at Ontario's 22 community colleges, which could jeopardize the academic year for about 100,000 students in this province.

Community colleges like Georgian College in Orillia are an extremely important part of the education system in Ontario. They provide a unique and useful hands-on learning experience for students. What the students learn at community colleges they actually do when they graduate and enter the workforce. As well, community colleges are an integral part of the communities they serve by offering both employment and educational opportunities.

The Minister of Colleges and Universities (Mr Conway) has indicated that he prefers not to become involved in the dispute that is affecting this province's 22 community colleges, but I think he should show some leadership and get involved now while there is still time for students to return to classes and not have their entire academic year wasted by a prolonged dispute.

A similar strike in 1984 lasted 17 days before the teachers were legislated back to work. At that time, 78 per cent of the teachers, librarians and counsellors voted to strike, compared to only 54 per cent in 1989. I think it is a clear indication that the collective will for a prolonged work stoppage is in question.

The Minister of Colleges and Universities should do everything in his power to get all the parties involved back to the table. Show some leadership and solve the strike.

### AIRPORT SECURITY

**Mr Polsinelli:** If Canadian air travellers paid an additional \$5 a ticket, over \$50 million a year would be raised to fight terrorism at Canadian airports. So says a Toronto-based air consulting firm.

Consultair cites three major problems which exist at airports. They are an unqualified security staff, inadequate staff training and antiquated detection equipment.

The \$60 million announced by the federal government in 1986 does not nearly go far enough to solve these problems, when you consider that the cost of one thermal neutron activation device, used to detect plastic explosives, is over \$1 million.

We all recall with horror Air-India flight 182 exploding over the Atlantic Ocean, the CP flight 003 incident at Narita airport in Tokyo and, more recently, Pan-Am flight 103, which disintegrated over Lockerbie, Scotland.

Consultair has made a positive suggestion that would raise over \$50 million a year for airport security. The federal government should consider it seriously.

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## AUTOMOBILE INSURANCE

**Mr Laughren:** On 18 July, in this House, I raised with the Minister of Financial Institutions (Mr Elston) the rather despicable practice of some insurance companies which avoided the 7.6 per cent cap on the increase in premiums by simply transferring policies from one company to another within a single conglomeration.

I wrote later to the Minister of Financial Institutions, because he did not do anything about the problem, and I said this in my letter on 2 August:

"In response to my question on this matter during question period on July 18, you indicated that your ministry would be pleased to look into those 'specific instances' of consumer displeasure where this scam is practised. This kind of response indicates your ignorance of the breadth of the issue. This is a widespread problem which goes far beyond a few isolated cases. Numerous Ontarians are finding themselves with no options, or, at best, very costly options because of the deception that your legislation has inspired in the automobile insurance industry.

"It is indeed atrocious to see companies hike premiums by upwards of 30 per cent by merely shuffling paper from one corner of a desk to another. I would think your ministry would find it an affront to see its legislation so easily avoided. And I would hope that you would do your best to correct the situation as quickly as possible."

That was on 2 August. On 14 September I wrote yet another letter to the Minister of Financial Institutions, and still I have not received a reply. What is going on with that minister? Surely to goodness he has an obligation to respond to concerns of so many Ontario citizens.

## CARDIOVASCULAR CARE

**Mr Eves:** I am pleased to inform the House that Pat Terry received angioplasty this morning. As everyone will recall, I raised Mr Terry's case with the Minister of Health (Mrs Caplan) yesterday during question period. While waiting for an angiogram to determine the seriousness of his heart condition, Mr Terry had a heart attack. The heart attack happened in September. He could not be scheduled to receive life-saving angioplasty until November, even though his condition was very unstable and he was experiencing severe chest pains.

Last Thursday Mr Terry phoned me to ask me to raise his case with the minister because he was so concerned about his health. Yesterday the minister responded in a typical manner in which she never really answers questions or the concerns raised. I am sure it is not merely a coincidence that the very morning after I questioned the minister about Mr Terry, he miraculously received his angioplasty.

It is truly tragic that every time someone needs a life-saving procedure, the case has to be brought to the minister's attention to get action. Doctors and patients should not have to bring their cases to the minister's attention.

When is the minister going to realize that her policies are forcing hospitals to close acute care beds throughout the province? When is she going to address the shortage of intensive care unit nurses and other health care professionals so essential to our health care system? When is the minister going to do something to reduce waiting times for cardiac care so that individual cases do not have to be raised to receive her attention?

**Hon Mrs Caplan:** On a point of order, Mr Speaker: I cannot let the implication go unchallenged. I am very concerned that the member opposite has left the impression that I in some way interfered with a medical judgement and decision. That is not the case—

**The Speaker:** Order.

**Mr Eves:** That's not a point of order. It's a point of fact.

**Hon Mrs Caplan:** That's medical judgement.

**The Speaker:** Order. There are many occasions that I have noticed in the past in this House when members are of different opinions and have expressed different opinions. I really cannot find that a point of order.

## ALENTEJO CULTURAL WEEK

**Mr Ruprecht:** I am delighted to be able to introduce to the Legislature a delegation from Portugal, from the province of Alentejo, which makes up a third of the land mass of Portugal. These members who are here today will be participating in the Alentejo cultural week. The delegation is being led by the mayor of Vidigueira, Carlos Gois, and the president of Casa do Alentejo is Manuel Brito.

The contribution made by Portuguese Canadians is really legendary, and the cultural week being organized by Casa do Alentejo not only shows the contribution that Portuguese culture is making within the Portuguese community, but the organization is understood to broaden their



cultural attributes and to include others who have made a contribution as well.

I am delighted to be able to participate in this cultural week, as have other members of this Legislature. I am delighted to be able to greet them here, and I hope their cultural week is going to be a great success as it is the sixth annual cultural week of Casa do Alentejo.

**The Speaker:** That completes the allotted time for members' statements.

## STATEMENTS BY THE MINISTRY

### MINING

**Hon Mr O'Neil:** I am pleased to table in the Legislature today a bill to amend Ontario's Mining Act. This is legislation that reflects current conditions and concerns and will put the province and its mines and minerals industry in a competitive position for the 21st century.

Legislation can create a favourable investment climate in which industry can respond and grow. The Mines Act of 1906 has served the province well over the last 73 years. However, in today's increasingly complex world, it is clear that the mineral exploration and mining industries have changed significantly. The province needs a new mining act to take it into the next decade and beyond.

This government committed itself to a thorough review of mining legislation two years ago. As a result of that commitment, my predecessor, the member for Renfrew North (Mr Conway), released a green paper on mines and minerals policy and legislation last December. That green paper recommended revisions to Ontario's Mining Act that maintain and enhance the development of the province's mineral resources while accommodating the concerns of other sectors of the community.

It also addressed the question of land tenure and the right to mine, including measures to avoid claim disputes, and it made recommendations to help industry comply with government requirements while ensuring the responsibilities taken for environmentally sound mining operations.

In addition, the green paper dealt with the related issues of concern to the mineral exploration and mining industries such as the inclusion of certain industrial minerals in the Mining Act, the use of regulations and the proposal to retain the current provisions for domestic processing.

From its release until the end of March 1989, the deadline was set for submissions on the green paper proposals. The ministry initiated wide consultation with mineral exploration, mining

organizations, environmental groups, municipalities, other special interest groups and the general public.

These comments have been taken into account by the government, and many of the suggestions have been incorporated into the bill. At the same time, we have retained green paper proposals that strengthen the legislation. For instance, the provisions of section 104 of the current act, which call for the domestic processing of Ontario's mineral resources, remain unchanged.

Environmental concerns have also been firmly addressed; part 9 of the act has been expanded to cover the environmental effects of advanced exploration, development and closure. Notice to the public will be required of advanced exploration and mine development. Closure plans and related financial assurance will be required to ensure adequate rehabilitation takes place.

This new Mining Act will encourage the ongoing development of our mineral resources, attract new investment in the mining sector and protect the interests of those who are concerned about the impact of mining on the environment and their communities. With it, I believe Ontario has introduced legislation that looks ahead to the issues that will confront mining in the next decade, indeed the next century.

### NORTHERN BUSINESS SERVICES AND MANUFACTURERS GUIDE

#### GUIDE DES SERVICES ET DES FABRICANTS DU NORD

**Hon Mr Fontaine:** This government is committed to promote the long-term competitiveness and stability of the northern Ontario economy. This commitment has been shown by the northern relocation program. The impact on the service sector of the province's decision to relocate 1,600 positions to northern Ontario with an annual payroll of about \$50 million is already starting to show benefits for northern-based suppliers.

Today, I am pleased to announce the release of the Northern Business Services and Manufacturers Guide as the next part of the government's Buy North initiative. All members will receive a copy of this guide.

Le guide, une production conjointe de mon ministère et du ministère de l'Industrie, du Commerce et de la Technologie, catalogue plus de 2 500 pourvoyeurs de produits et de services du Nord et vise à aider les acheteurs du Nord à combler plus facilement leurs besoins.

Il sera posté à une grande variété d'acheteurs potentiels, autant du secteur public que du

secteur privé, partout en Ontario. Il est disponible dans tous les bureaux des deux ministères.

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This reference document will also serve to increase awareness in other regions of this province of the wide range of goods and business services available in northern Ontario and the rapidly expanding base of qualified suppliers across the north.

The document will be used in the government's continuing series of selling-to-government seminars which are being held in northern centres including Sudbury, Timmins, North Bay, Sault Ste Marie and Thunder Bay. These seminars bring together private sector and government purchasers, with the goal being increased northern business opportunities. The seminars help inform northern companies about how to do business with the provincial government.

A consultant's study, which evaluated the capabilities and existing business services in each of the five northern relocation centres, identified an estimated \$11 million in total business service opportunities in the first year of the relocation.

Reconnaissant le potentiel commercial du nord de l'Ontario, le gouvernement a travaillé de concert avec les commerces du Nord sur le projet « Achète Nord », qui encourage l'achat par la province, par d'autres agences publiques et par le secteur privé, de produits, d'équipement et de services des pourvoyeurs du nord de l'Ontario. Le projet « Achète Nord » créera de nouveaux emplois dans les commerces existants et dans les nouveaux commerces et contribuera à une plus grande diversification économique du nord de l'Ontario.

The Buy North program is an important element in a program that is intended to diversify northern economic activity through the relocation program, the strengthening of the existing resource base and the creation of new service and manufacturing industries.

## RESPONSES

### MINING

**Mr Pouliot:** From the 19th to the 21st century by way of revamping the Mining Act: We welcome the announcement by the Minister of Mines. We want to wish him well in his tenure.

It takes some time to recognize the contribution the mining sector has made to Ontario. Of course, the minister's proposal is not a bold proposal. It is not the answer to some of the problems that surround mining activities in

Ontario. It is not a labour piece of legislation. He is not legislating environmental changes. But what he does do is attempt to better reflect 1989 by the securing of tenure, for instance.

Those of us who are fortunate to live there and are familiar therefore with the Hemlo gold field, the Hemlo situation, will realize that the minister is indeed to be commended for addressing the problem of claim jumping. Under his proposed legislation, this will not happen again.

Public notice for advanced exploration: The public has a right to be notified of activities concerning "their land," and it is again a step in the right direction. A plant closure provision before he even cuts the ribbon, before he even opens the mine, before he is that much closer to extinction, because for every shovel you take out of the ground, you are that much closer to the day when you will close the doors. You will have a guarantee, a welcome guarantee that the environment will be better protected.

I take, not with some cynicism, with respect, but with a grain of salt the minister's recommendation to keep section 104 of the Mining Act. For 73 years we have asked that the ore that is extracted, for instance, in Sudbury, be processed in Ontario and the minister has been able, by reason of ministerial discretion, to bypass the Mining Act. He has to ensure responsibility. He has to monitor compliance if he is to keep section 104 of the Mining Act. He is the guardian of the act and we would advise him either to bring forth an honest amendment to say there will be no more ministerial discretion or to monitor compliance and force people who are extracting minerals in Sudbury to process those minerals to phase 2.

## NORTHERN BUSINESS SERVICES AND MANUFACTURERS GUIDE

### GUIDE DES SERVICES ET DES FABRICANTS DU NORD

**M. Pouliot:** En ce qui concerne les paroles du ministre du Développement du Nord (M. Fontaine), il se souviendra sans doute que depuis au moins cinq ans – et surtout depuis deux ans, avec la proclamation du trésorier de l'Ontario (M. R. F. Nixon) en ce qui concerne le Fonds du patrimoine du Nord de l'Ontario – qu'on lui avait donné, s'il voulait améliorer la situation économique du Nord, des mesures précises comme des taux réduits du coût de l'électricité pour les entrepreneurs et les consommateurs du nord de l'Ontario.

On avait aussi suggéré que la taxe de vente de huit pour cent en Ontario sur les produits



manufacturés expédiés vers le Nord soit réduite de un pour cent chaque année. Enfin, nous avons conseillé de réduire de 0,02 \$ par année chaque litre d'essence sur une période établie de quatre ou cinq ans, ce qui aurait un impact sur les consommateurs et les entrepreneurs de l'Ontario.

Those are real measures. Those are something you can relate to. They demand a lot of planning. The minister has the goodwill. A little more planning will bring us forward that much more to the day where we can look to the north, join the economic mainstream of the rest of Ontario and look to the future with confidence.

**Mr Hampton:** Responding to the statement by the Minister of Northern Development, I want to say that we welcome this new publication, the Northern Business Services and Manufacturers Guide. I only want to say to the minister that this was promised not in the last throne speech, but two throne speeches ago. I would say it is a little late in its production.

I want to say to the minister that if he wants to do something about the problem he makes the statement on, he should consider the impact of things such as the increases in gasoline taxes, which generally make many of the things that are manufactured in northern Ontario a little less competitive, simply because transportation in and transportation out is such a burden.

Second, a \$5 tire tax: When you have roads such as we have in northern Ontario, a \$5 tire tax on every tire is quite simply an obstruction to any kind of commercial trade.

I want to point out as well, though, that this government has to clean up its own house because we quite often find other obstacles equally as bad as those I mentioned.

### MINING

**Mr Harris:** I want to respond first to the statement made by our Minister of Mines on the grand occasion of the introduction of changes to the Mining Act. I want to indicate to the House that at least we have a Minister of Mines who appears to be finally moving a little bit ahead.

Members will recall that last December the former Minister of Mines introduced a green paper. I said at that time that the proposed changes he was bringing forward in the green paper were those that had been circulated through the mining industry in the early 1980s, introduced in the form of a bill in this chamber by the member for Cochrane South (Mr Pope) when he was the Minister of Natural Resources, responsible for mines, then reintroduced by myself when I was the minister responsible in 1985. In 1988,

fully three years after that, the first move this administration had made was to go backwards in time and go to a green paper.

Now, five years later, we are back to where we were back in 1984 and 1985 with changes to the Mining Act. I think it says something about this government that when it comes to mining, resource industries and those of us in northern Ontario who have been so dependent on those—not exclusively northern Ontario of course, but those parts of the province—it has been fully five years in the making to reintroduce a bill that was first brought in in 1985. It tells us something about the importance this government and this administration has put on the whole issue of mining. It is a disgrace.

We have been calling for this in 1986, in 1987, in 1988 and in 1989. I see the former Minister of Mines, the former House leader, the member for Renfrew North (Mr Conway), who is now back in his place. I hold him fully accountable for those delays throughout those years. So it is very difficult for me to congratulate this administration for bringing in something that should have been passed fully four or five years ago. It is really difficult for me to do.

1400

Interjections.

**The Speaker:** Order.

**Mr Harris:** I suggest to you, Mr Speaker, that the violent reaction coming forth from the Liberal benches assures you and all those watching that I have hit a pretty sensitive cord in the lack of action and the lack of policy of this administration.

### NORTHERN BUSINESS SERVICES AND MANUFACTURERS GUIDE

**Mr Harris:** Let me move on briefly to the statement by the Minister of Northern Development concerning the Northern Business and Services Manufacturers Guide. This is part of the Buy North program. As the member for Rainy River (Mr Hampton) pointed out, one of the great concerns we have—it may surprise members to hear somebody so close to northern Ontario, indeed part of it, with some of my riding, say that we are not interested in Buy North at any cost. That is not what we are saying.

We want this government to buy as efficiently and at the lowest cost possible, and so as the member for Rainy River pointed out it is not Buy North at any price; it is how we help northern Ontario companies and northern Ontario businesses to be competitive so they will have the lowest price and can compete. We then talk about

the transportation links in the north. We talk about gasoline prices. We talk about the competitiveness and the lack of interest in this government in helping them be competitive.

To just say, "We have a policy that you must Buy North," does not make sense, not at any price. If there is a company in eastern Ontario that has the lowest price, we want the government to buy in eastern Ontario. We want it to buy at the lowest price, if that company is in western Ontario or even if it is in Toronto. So help the north to become competitive. That is what we are asking it to do.

## ORAL QUESTIONS

### CORRECTIONAL FACILITIES

**Mr B. Rae:** Mr Speaker, I want to advise you that I will be standing down one of my leadoff questions for the arrival of the Premier (Mr Peterson) and the Attorney General (Mr Scott), but with your consent I would like to ask one of my leadoff questions to the Minister of Correctional Services.

I wonder is the minister prepared to concede in this House that overcrowding is a significant problem and a reality in many of our correctional institutions today.

**Hon Mr Patten:** I do not know how much more clearly I can express this. I think that over the last matter of weeks I have acknowledged that especially around the Toronto watershed we do have extreme pressure on our system. I have also explained, and I think the member well knows, why we have that kind of pressure. We have some plans to deal with that and I believe the member is well aware of those plans as well.

**Mr B. Rae:** The only plan that has been put into effect is the suspension of dozens of correctional officers who have expressed their profound concern at their health and safety and at the health and safety of inmates in our correctional institutions.

Can the minister tell us why he would be saying that this is a recent problem when in fact, if you go back to 1977, Arthur Maloney, as Ombudsman of the day, presented a report to the government at that time setting out how serious the overcrowding problem was in our correctional institutions. It was in 1977. Dan Hill confirmed it a decade later when he talked about conditions in Whitby and Barrie. We now have a situation where there are 694 inmates at the Metropolitan Toronto West Detention Centre in a facility that is supposed to be there for 456 people. What kind of government allows condi-

tions where you have 250 people more in a prison than are supposed to be there?

**Hon Mr Patten:** As to the facts the member expresses for 1977, that is over 12 years ago. I might remind the honourable Leader of the Opposition that since 1984-85 to the present, there has been only a five per cent increase in the adult population in our institutions.

For the same period of time, he has asked, "What have we done?" We have increased our staff by 32 per cent. We have made contributions. As a matter of fact, the budget for the Ministry of Correctional Services over that period of time has increased by 103 per cent. That is not insignificant. That amounts to \$223 million. For the Leader of the Opposition to suggest we are not attempting to address this particular issue is a tad of an overstatement.

**Mr B. Rae:** Under the act that established the ministry, it states, "It is the function of the ministry to supervise the detention and release of inmates, parolees and probationers and to create for such persons a social environment in which they may achieve changes in attitude by providing training, treatment and services," and so on.

I want to ask the minister, how can he seriously maintain that he is in fact performing his functions as minister and that his ministry is able to perform its functions when he has overcrowding by as much 30 and 40 per cent in institutions, with four people in one cell? How can he possibly have rehabilitation when he has four people in a cell and when he has overcrowding to the point that people are having to book off sick?

**Hon Mr Patten:** The honourable member asks how we do this. I would like to point out something to the Leader of the Opposition. First, it is 14.7 per cent of the people who are sentenced who are in institutions. That means the vast majority of people are in communities where a great deal of success does take place. There are programs throughout our institutions as well. We have teachers, social workers, chaplains and various instructors of all kinds who provide programs for many of those inmates in those institutions.

To acknowledge the overcrowding, I must point out to the Leader of the Opposition that when he talks about a degree of overcrowding, he is talking about people who have to sleep in a particular cell. I do not like it. Nobody likes it. We all have to face that kind of pressure, but they are there only for a sleeping condition and during the daytime, if they are permitted, they go out for recreation or for their educational programs.



**The Speaker:** Just for the information of all members, the Leader of the Opposition has requested to stand down his second question until, I believe, the Premier or the Attorney General comes. The member for Sarnia.

**Mr Brandt:** My question is to the same minister. I wonder if the minister could share with us his thoughts and plans with respect to what I understand is a threat to bring in an injunction to force the workers and the guards at the detention centres to comply with their work schedules. Is that the minister's intention? Does he in some fashion expect that is going to correct the overcrowded conditions?

**Hon Mr Patten:** Yes, it is my intention at the moment. We are seeking an injunction. Do I think that will immediately solve the overcrowding? No, I do not. I also believe that what will not solve the problem is by locking in prisoners. That would tend to incite other kinds of behaviour.

**Mr Brandt:** I think the minister is well aware of the figures as they relate to the various detention centres, and of the fact that the overcrowding has reached critical proportions in the Toronto area and that the busing of these inmates to other parts of Ontario is also putting pressure on the system right across this province. He has known about this problem and his government has been aware of it for at least the last 18 months. The severity and the increase in the numbers have accelerated very, very rapidly.

He stands up proudly and talks about the increases in his budget, but what has he done as a result of the immediate increases that are very directly related to the drug programs that are going on in our communities, primarily in Toronto, and of the most recent problems that have impacted on his ministry over the past year or year and a half?

**The Speaker:** Order; Minister.

**Mr Brandt:** That is the time when he should have been taking some action.

**The Speaker:** The questions have been asked.  
1410

**Hon Mr Patten:** I appreciate the acknowledgement of the issue. I suggest that this ministry cannot solve the whole problem and I think the honourable member would well know that. The problem has to be addressed by a variety of ministries: the Ministry of Health has a role, the Ministry of the Attorney General has a role, the Ministry of Correctional Services has a role, the Ministry of the Solicitor General, etc. People in communities have a role. Local police forces

have a role and, indeed, we all have a particular role.

Members have heard of the Black commission, the new cabinet committee on drug abuse and the programs that will be announced relating to that particular initiative by this government. There are many initiatives that will take place that I believe in the longer term will deal with this particular problem.

**Mr Brandt:** I hold out hope that the minister has some solutions to the problem because apparently on the radio this morning he indicated he was waiting for a further report to indicate the kind of direction that he was intending to take with respect to some of these solutions.

I would suggest to the minister that we have violence in these jail cells; we have a group of employees who are guards at these facilities who are extremely upset because of their working conditions at the present time. What they want is a commitment from the minister, his ministry and his government that in fact he is concerned about the situation. They do not want a joke about working conditions such as the minister provided them the day they showed up here at Queen's Park.

Will the minister meet with the guards and indicate the kinds of steps he is prepared to take so they can have confidence that he is concerned about the problem?

**Hon Mr Patten:** Along those lines, I have asked that each one of our superintendents meet with each of the local unions to discuss the issues they face and try—at least for the short term, as we address the longer term—to deal with the concerns we all share and we all have.

This will vary, of course, from institution to institution. Not all of the institutions, as the member well knows, are of the same size or of the same age. In the interim, I must tell the honourable leader of the third party that I have spent considerable time reviewing our 15-year capital plan precisely for the reason he has indicated, to address what we can do in the medium and short term. We are reviewing that. We are developing some alternatives and we are putting those forward for consideration.

**The Speaker:** I see the Attorney General has rushed right back for the question from the Leader of the Opposition.

#### COURT SYSTEM

**Mr B. Rae:** Can the Attorney General confirm that he is in receipt of a letter dated 28 September 1989, signed by the Chief Justice of Canada in his role as the head of the Canadian Judicial

Council, and that attached to that letter is a document entitled Administration of Justice Committee Supplementary Report, in which certain comments are made with respect to the act to amend the Courts of Justice Act?

**Hon Mr Scott:** I can.

**Mr B. Rae:** I wonder if the Attorney General can tell us what his response is to the statement of the administration of justice committee, when it states, "Alterations in Ontario of standards that are common to superior courts are unacceptable," to quote exactly from the report of the administration of justice committee.

**Hon Mr Scott:** The amendments that have been made to the bill, in my opinion, take care of the concerns.

**Mr B. Rae:** That is not the opinion one would conclude from a letter dated 28 September 1989 with respect to the bill. There are some very fundamental questions raised in the report about the constitutionality of the bill as it relates to the independence of the judiciary. In light of the concerns that have been raised and in light of the fact that judges are not able to either lobby or express themselves in the normal political course of events, would the Attorney General not agree that he would be wise to refer the entire subject matter of this bill to the Ontario Court of Appeal so that we might have some decision by it as to the constitutionality of what it is the Attorney General wants to do to the judges of Ontario?

**Hon Mr Scott:** The concern to which a number of judges have directed themselves—very forcefully in dealing with the government, I may say—has been that the management committees that are contemplated by the statute may not be advisory in character; that is to say that they may impose an obligation on judges to respond as the management committee directs. That has never been the language of the statute and the judges have conceded that the language of the statute is entirely satisfactory, as I understand it.

What they are concerned about is that in the original statute the committees were not going to be called "management advisory committees," which would make plain the view of the government and a view that the judges find consistent with their independence. That amendment is being made and I think the Leader of the Opposition will be satisfied, as will the judges, with the regime that the bill contemplates.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Brandt:** My question is for the Minister of Colleges and Universities with respect to the

labour dispute that is presently impacting on our college system. During the course of the past couple of days I have received contact, both by telephone and by mail, from a great number of nursing students at Lambton College in my own community of Sarnia who are very concerned about this dispute causing a delay in their graduation period.

The minister is well aware of the fact that nursing graduates are critically needed in the health system in this province, and the delays that may well be forthcoming as a direct result of the current labour dispute will have a serious effect on the date on which these particular students can graduate. Can he offer these students any assurance whatever that he is prepared to step in and at least try to help resolve the current dispute and to bring about a quicker settlement than might otherwise be the case, recognizing that the sides are not even talking at this current moment?

**Hon Mr Conway:** I thank my friend for giving me an opportunity to once again address the issue of the current difficulty between the Council of Regents and the community college teachers across Ontario. Of course, like all members, I share the concern of students caught in the midst of this difficulty, but I repeat, surely both parties, the parties who have it within their power to resolve this at the bargaining table, will appreciate the pressures that this current difficulty will create for such students as my friend the member for Sarnia has identified, and I expect that responsible parties accepting the collective bargaining process are going to want to address those difficulties by returning to the bargaining table and accepting the responsibilities which are properly theirs under the act which governs all of this.

I repeat, while I share the concern of all honourable members for students in this respect, I have absolutely no intention of absolving either party from its responsibility to resolve this under the act and at the bargaining table.

**Mr Brandt:** A position I might share with the minister is entirely different from the position put forward by his leader the Premier (Mr Peterson) just a few years ago when he was on the opposite side of this House. I add that only by way of background.

The minister is well aware that there are 600 clinical hours required by these nurses who are hoping to graduate. Their exams are going to be due and are fixed for 24 January. If those exams, in fact, are missed as a result of this dispute, it means that badly needed nurses will not be able to enter the health system of this province,



further causing delays and surgical delays such as are going on at the current time with the long lineups that we bring to the attention of the Minister of Health (Mrs Caplan) on a regular basis. What assurance can the minister give us that these nurses will, in fact, have an opportunity to complete the clinical hours that they require—

**The Speaker:** Thank you. The questions have been put for some time.

**Mr Brandt:** —and in addition will be able to write their exams on 24 January 1990?

**1420**

**Hon Mr Conway:** The assurance that like the good, sensible people I believe them to be, both parties are going to understand the difficulties occasioned by withdrawal of services in this situation. They are going to do the right and proper thing, which is to get back to that bargaining table within the context of the Colleges Collective Bargaining Act and accept their responsibility to resolve this in the best interest of the students whose interest are quite properly observed by not only the member for Sarnia but all in this assembly.

**Mr Brandt:** I want to say to the minister, is his only response a response of noninvolvement, nonaction, no concern whatever other than to stand by the side of the road and watch the parade go by while these students are missing their college year? Is that the minister's only response to this problem?

**Hon Mr Conway:** You either support collective bargaining or you do not. My friend from Sarnia, as a former mayor of a large Ontario community, knows only too well that there are certain requirements that must be observed if you do support free collective bargaining. That is what we have granted by virtue of a statute passed by the old Tory regime.

I want to say again that of course I, like all members, share the concern about the nearly 100,000 students who are caught in the middle of this. That is a given. But if this is going to be resolved in the right and proper way it is going to have to be resolved by both parties accepting their responsibilities and, I repeat, I have no intention whatsoever of absolving either of those parties from their responsibilities under the process and the Colleges Collective Bargaining Act.

#### RENT REGULATION

**Mr D. S. Cooke:** I have a question of the Minister of Housing, if I could have the

minister's attention. I would like to ask the minister about a rent review application concerning a building at 892 Eglinton Avenue, East York. Specifically, is the minister aware of this case, where the landlord has made an application for a 92 per cent increase in the rent in one year? Of course, the major reason for the application for rent increase is because of the exploitation of the minister's capital expenditure loophole in his rent review legislation.

I would like to ask the minister whether he thinks this is fair, whether he is prepared to bring in amendments with regard to his rent review legislation so that people like Cynthia Roll and Karen Glassford, who are both tenants in this building and who are sitting in our gallery today, are not forced to move out of this building because of the loopholes in the minister's rent review legislation.

**Hon Mr Sweeney:** My honourable friend is well aware of the fact that the last time the rent review legislation was changed it was done so as a co-ordinating effort between tenants and landlords. Each of them made their contribution as to what they wanted to see in it.

The agreement was that reasonable renovations to a building could be passed through. The hearing officer, as the member well knows, has the option of determining whether or not it should be passed through once or passed through over a phased-in period of time.

As the honourable member well knows, it is one thing for a landlord to ask for any increase he wants. That does not necessarily mean that the hearing officer in fact is going to grant that, but there is nothing within legislation to prohibit renovations and prohibit a landlord for asking for an increase.

**Mr D. S. Cooke:** I understand that the process may result in not the full 92 per cent, but this same landlord made an application for a building in Scarborough. They asked for 63 per cent; they got 62 per cent under the minister's rent review legislation.

When the minister refers to capital expenditures and seems to indicate that only reasonable capital expenditures are accepted, he is wrong. There is no limitation at all in his rent review legislation.

Does he think it is appropriate that this landlord should be able, in order to get his base rent increase, to put in things like microwaves and new dishwashers which the tenants do not want? They just want a clean apartment, well kept, at an affordable rent. Is the minister prepared to do something with his rent review

legislation or is he going to allow 92 per cent increases for tenants in this province?

**Hon Mr Sweeney:** I tend to agree with the member that in some people's minds certain renovations and certain changes may be seen to be inappropriate or unnecessary. The honourable member is correct. There is nothing within the existing legislation that determines when a renovation is appropriate or not. The legislation clearly says that when renovations are done and the costs can be documented, the landlord has the opportunity to ask for an increase.

I guess my question back to the honourable member is on the difficulty of knowing how we are going to decide what is appropriate and what is not. To what extent are changes in a kitchen or washroom the thing that needs to be done. Who makes that decision? Is it going to be the tenants who make the decision? Is it going to be the hearing officer who makes the decision? Are we going to make this decision in redrafting legislation? I am sorry; I do not have the answer for that.

#### JUSTICES OF THE PEACE

**Mr Sterling:** I have a question of the Attorney General. Last Wednesday I warned the Attorney General that many of the justices of the peace would walk out of work on Friday. On Friday, only 11 of 46 justices of the peace were on duty in Toronto. That meant that one justice of the peace had to handle seven courts and he simply remanded all the cases to the future. It was also necessary to arrange for five provincial court judges to deal with bail matters, which they do not normally deal with. I do not believe that I have ever experienced or heard of a part of our judiciary walking away from their jobs in a planned way.

What is the minister planning to do to address this very, very tense situation?

**Hon Mr Scott:** My honourable friend, who as critic is almost invariably helpful in matters relating to the justice system, let us all down a bit last week because he led this assault by asserting that the president and the secretary of the Justices of the Peace Association of Metropolitan Toronto had resigned their offices because of their inability to get a meeting with the ministry. That, regrettably, was not factual. They resigned because they were not prepared to support illegal activity with respect to the performance of duties by justices of the peace. I think that is entirely to their credit.

I am very proud to work in a system that numbers them as justices of the peace and I am

very proud of those justices of the peace who appeared for work on Friday. Happily, the work was dealt with by making other arrangements, but what occurred was indeed a serious matter.

**Mr Sterling:** In response—I have to respond—I indicated publicly that the president of the Justices of the Peace Association resigned because of his frustration in being unable to deal with a very difficult—

**Hon Mr Scott:** That is not correct. Ask him.

**Mr Sterling:** Well, the Attorney General can look for the quotations.

As things stand now, there is no mechanism to resolve the problem dealing with justices of the peace, their salaries and working conditions. They have to go to the Attorney General on bended knee. Why does the minister not institute the same kind of systems that our provincial court judges have for resolving disputes?

I put forward that kind of amendment when Bill 93 was before this Legislature—

**The Speaker:** Thank you. That is the question.

**Mr Sterling:** That was rejected by the Attorney General and as a result we have a tense—

**The Speaker:** The member has placed the question.

**Hon Mr Scott:** There is always a tense situation. The tensions are not being reduced in any fashion by the kind of observation that my honourable friend makes. As he knows, Bill 93 was introduced and his amendments—I am sure he regards this as an unhappy matter—were rejected. It does not seem to me that at this stage they should be taken up again, as they did not meet with favour in the House.

1430

#### BOATING SAFETY

**Mr Owen:** I have a question for the Solicitor General. With Lake Simcoe running along almost the entire extent of my riding, boating is a matter of concern for the people who live there and with more than one million boats using our waterways in this province, it must be of concern to many others as well. I understand that an additional 25,000 boats hit our waterways every year. The police are telling me that they are hard pressed to keep an eye on all this increasing aquatic traffic.

I wonder if the minister today would share with us if he is planning to respond to this tremendously rapidly increasing waterway traffic in the province and what he is doing about the safety of people who use the waterways.



**Hon Mr Offer:** The member raises a very important matter and one that has received some comment in the media over the summer. I would like to indicate that in terms of waterway safety, there are basically three things that one has to address: first, the impaired boating issue; second, unsafe boating, and third, the whole question of waterways policing.

On the basis of the question of waterways policing, I would like to inform the member that there is indeed an interministerial committee looking at that whole issue right now and I expect it to report back to me in the very near future.

With respect to the whole question of impaired and unsafe boating, I would like to assure the member and members of the Legislature that there are currently OPP initiatives dealing with how best to present this whole message based on impaired boating and unsafe boating to the public. We do have measures such as a marine awareness program which has been running in the past and has been very successful. But I would like to make it clear that we are, through a—

**The Speaker:** Thank you. That seems like a fairly comprehensive answer.

**Mr Owen:** I understand that at the present time under the laws of this province, the only time there is an obligation to report a boating accident is if someone is killed. The police tell me that they estimate at least 60 per cent of the present boating accidents go unreported. This happens even when there are injuries. Of course, with automobiles, the minister is aware that reporting takes place if there is damage in excess of a certain figure or if there is injury.

I am wondering if the minister could advise us whether or not he and his ministry are contemplating applying that same approach to boating accidents as is now followed with regard to automobile accidents on our highways.

**Hon Mr Offer:** Right now under the Coroners Act there is a requirement that boating accidents that result in a fatality must be reported to the police. There is no other type of reporting mechanism. I would like to make it very clear that that is one of the issues which this interministerial committee is looking at, and to indicate to the member that mandatory reporting is certainly a requirement that I am in favour of and that will be brought forward in the whole range of the report from this interministerial committee.

#### TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** I have a question to the Premier. The Premier was quoted outside this place on 20

October, in Friday's newspaper, as saying on Thursday in the scrum—he is quoted in the *Globe and Mail*, and other reporters have told me that this is in fact what the Premier said—he is quoted as follows: "Premier David Peterson said, however, that the government will fight the band's application in the Ontario Supreme Court on 26 October.... He said the government wanted to continue with its plans to build the road."

The Bear Island band has now filed its notice of motion with the Supreme Court of Ontario, dealing directly with a request for an injunction on the construction of the road and dealing as well with a request that the logging of old red and white pine forests be enjoined. I wonder if the Premier can tell us whether it is still his position, as he stated on Thursday, that the government will fight the band's application in court.

**Hon Mr Peterson:** The answer is yes. I think our position throughout this has been consistent. Everything that has been done has been with the approbation of the court. It has gone through several other injunctions, as my honourable friend knows, and the answer is yes, we are proceeding. But I think, as announced last week, we are suspending construction of the road pending the resolution of that injunction application which is taking place on Thursday of this week.

**Mr Wildman:** That certainly is not the statement made by the Attorney General (Mr Scott) yesterday in answer to my question. But since the Premier has said that the government intends to oppose the application before the court, could he indicate what the government's response is to the position taken not just by the band, but also by Crandall A. Benson, associate professor of forestry at Lakehead University?

He says that if the government proceeds with logging of the old-growth red and white pine in the area, the government and all of us will be losing the only opportunity we have to study old-growth areas and to determine how we could develop a sustained-yield approach to logging in those kinds of areas. If this logging proceeds, according to Professor Benson, we will have lost that opportunity. Is the government prepared to ensure that we do not lose it?

**Hon Mr Peterson:** Yes. I think the member could tell Professor Benson that is not the intention of the government. Indeed, as I am sure my honourable friend is aware, there is a conference being held—I believe in January—in conjunction with the Federation of Ontario Naturalists, with respect to the question of old

growth. There are many different definitions of the question of old growth.

It is not the intention of the government to go in and clear-cut any of the sensitive areas. Anything that will be done will be done under the auspices of an authority, and we have invited the Temagami Wilderness Society to join us in deciding which areas will be cut and how. So I think my honourable friend can tell his friend Dr Benson that he need not worry. Indeed, we would welcome his advice.

### HOSPITAL SERVICES

**Mr Harris:** I have a question for the Premier about his cabinet's reaction to the tragic death of Stella Lacroix and the cabinet's position on emergency service. The Premier's new Minister of Tourism and Recreation (Mr Black) says in the Gravenhurst News that he sides with his fellow cabinet minister that money to ensure that hospital beds are available for emergency services could be better spent. The Minister of Tourism and Recreation says there is a tremendous cost in "having beds open and staff waiting for someone to drink a cup of acid."

In expressing this view, I would like to know if the minister is indeed speaking for the Premier and his cabinet.

**Hon Mr Peterson:** I am not aware of any press reports or anything the minister has said, but I think that the minister has spoken on this issue, as have I in this House, and it is very regrettable what has happened. There is an inquest into the entire matter, and we talked about the system. We talked about the things that the minister is doing in response to critical care, and hopefully these kinds of things can be avoided, if it is possible to avoid them. I am not in a position to say whether that death was avoidable or not, but certainly we would like to have a system that responds in every case as best as possibly and humanly can be done.

**Mr Harris:** When a minister of the crown says there is tremendous cost in having beds open and staff waiting for someone to drink a cup of acid, I suggest it tells us two things. One, this government does not understand that cost should not be the bottom line for emergency care in Ontario and that if we do not have emergency beds open and we do not have staff waiting, we are not in fact ready for emergencies. Two, I suggest to the Premier that by passing judgement on the nature of the emergency itself, it brings into question his minister's understanding of just what is going on and just what happened in the tragic death of Ms Lacroix.

I want to know how in the world the Premier can justify sending this kind of message, this kind of signal, to the people of this province.

**Hon Mr Peterson:** Let me say that obviously we have a very elaborate health care system that is very expensive and there are a number of beds available. One of the questions, I believe, that was discussed during this most unfortunate incident is whether in fact there were critical care beds available on that occasion. I think, to the best of my knowledge, there in fact were critical care beds available.

There is some question about the capacity of the system to handle these difficult situations, and obviously, to the extent that we can improve the system, that is what we want to do. I think that is where the government stands and I think that the minister has spoken on that subject to my friend.

1440

### CRIME PREVENTION

**Mr Daigeler:** My question is to the Solicitor General. Last week I asked about his ministry's efforts towards crime prevention. Given the importance of this matter, I would like to continue this line of questioning and ask about the possibility of establishing a provincial council responsible for crime prevention. Such a council could have members from social agencies, churches, elected officials, police forces and other interested groups. Their mandate would be to analyse crime patterns and to address the socioeconomic conditions that nourish unlawful behaviour.

Is the minister, may I ask, prepared to act on such a proposal?

**Hon Mr Offer:** I would like to respond by indicating that crime prevention in Ontario certainly has my support as well as that of the Ontario Association of Chiefs of Police. I think we should be clear when we talk about Crime Prevention Ontario, CPO, that it is an organization still in a developmental stage which has as a proposed mandate to be composed of police and community organizations on a proactive basis, dedicated to preventing crime through a sharing of crime prevention ideas. I think this is indicative of a new way of policing and it bodes well for the future.

**Mr Daigeler:** Recently I learned that there has been a decrease in fact in property crimes over the last five years, at least in the Ottawa area. This is good news and may be the result of the existing crime prevention programs with regard to private property. Can the minister advise this



House whether similar programs are being developed to prevent violent crimes and what is being done to follow up on these unfortunate events?

**Hon Mr Offer:** Again, to the member, I would like to indicate that the ministry is currently involved in a number of programs, all designed to meet some of the issues of the day. I would like to indicate that of course we are involved in the whole question of direct grants to sexual assault centres. We are involved in pilot projects dealing with victims of crime.

We are involved in a number of programs dealing with greater training of police officers dealing with victims of sexual assault and, as well, a number of programs designed to encourage people to speak out to the community when they happen to be victims of a particular crime, be it sexual assault or spousal assault, to speak up loud and clear because the message is that spousal assault is indeed a crime which is going to be acted upon.

#### AUTOMOBILE INSURANCE

**Mr Kormos:** I have a question to the Minister of Financial Institutions: The government promised almost two years ago to deliver a plan that would reduce automobile insurance premiums. Now that promise is at rest with, "The cheque is in the mail." The fact is that that promise has turned the phrase "Liberal promise" into a true oxymoron. It just does not exist.

What is equally horrendous is that after this significant attack on the right of millions of drivers in Ontario to be compensated for injuries suffered at the hand and at the vehicle of drunk or negligent drivers, the minister is now telling us that he is not only taking away people's right to be compensated, he is taking away their right to be heard. He is telling us that he is not going to let drivers and insured people across Ontario speak out and comment on this proposed legislation at committee hearings, not just here in Toronto but across Ontario.

Would the minister please tell us that it is not true, that indeed he is going to let public hearings be held about this horrible legislation that he is proposing?

**Hon Mr Elston:** I am pleased that the honourable gentleman reads the Toronto Star and the headline which was included above the report of the reporter with whom I spoke. The headline is not correct. It is as clear as that. The committee will have the bill in front of it to examine its proposals.

I can tell the honourable gentleman that although we have spent a considerable amount of time and energy in examining the various alternatives and options in a very public forum in front of the Ontario Automobile Insurance Board, in front of the hearings by Dr Slater and by Justice Osborne, this committee of the Legislative Assembly, the people's representatives from all parts of this province, will have an opportunity to examine the particular bill in the committee.

What I have indicated is that for the benefit of the people who are looking for the rates to come forward for 1990, I would hope that a passage of this bill could occur before this session ends in December. That seems like a very reasonable request, bearing in mind the length of time that we have been putting the pieces of this program together, hearing the public and getting all of the information in front of us in the form of a series of reports, and the fact that we have 130 members who represent all interests in the province.

**Mr Kormos:** What the minister is telling drivers across Ontario today is that he has no intention of letting people in this province speak out against legislation that is designed to ensure that workers do not get their full wage replacement, that is designed to ensure that innocent injured people do not get compensated for their pain and suffering. That is what the legislation is all about. He has neither the guts nor the gonads to let the people in Ontario speak out against it.

The question I want to ask him is we know the insurance industry told the minister what to put in the legislation. Is it the same insurance industry that is telling him not to let this go out into public committee?

**Hon Mr Elston:** That gentleman over there is not very accurate. He knows full well that the role of this Legislative Assembly is to represent the interests of the public and in front of a public committee, open hearings in terms of dealing with this bill will take place under this Legislative Assembly's auspices. There will be an examination of the provisions.

Do not try to tell the people something that is not true. The Legislature will examine this legislation. There will be a second reading; there will be committee work on this. Let me make it as clear as I can to the member, the person who is the master of twisting words so that they bring out something that is not fair to the people.

Let me tell you this, Mr Speaker, once again, so that there will be a clear message across the province. This legislation will be examined in detail in committee and what I am doing is

proceeding to do exactly what that gentleman does not want us to do, that is, to deliver a reasonably priced product which provides a reasonable level of benefit to the people of this province. I am not going to let him, his leader or anybody stand in the way of—

**The Speaker:** Thank you.

### MILK QUALITY

**Mr Villeneuve:** I have a question to the Minister of Agriculture and Food. For some months prior to and up until December 1988 milk from BST-treated cows was sold to Ontario consumers. Were officials of his ministry aware of this situation?

**Hon Mr Ramsay:** Yes, they were.

**Mr Villeneuve:** If indeed the dairy inspection branch of the Ministry of Agriculture and Food was aware of it, why then did it not make consumers and particularly producers of milk, nature's most nearly perfect food, aware of what was happening? It would have prevented a lot of controversy which is now making a very concerned situation for not only producers but also consumers.

**Hon Mr Ramsay:** As the member knows, the University of Guelph had carried on research, which is no longer being carried on except for accumulating the data that were generated from the two test herds that the university had under way the last couple of years. And yes, milk at that time had been shipped to the dairy, as had been done in British Columbia.

The Ontario Milk Marketing Board had ordered a cease-and-desist order on that herd in June of last year and that milk is no longer being brought into the consumer pool in this province.

### SOCIAL WORKERS

**Mr Matrundola:** My question is to the Minister of Community and Social Services. Over the past few years there has been some concern that there is no legislation covering the regulation of social workers in Ontario. Last May I was pleased to see his ministry release a consultation paper regarding regulation of social workers. The paper brought forward all the varying views on the subject and proposed the many options available to the ministry.

The paper asked for responses from interested people to be submitted to the ministry by 30 September 1989. Could the minister give us an idea as to the level of response to the consultation paper on the regulation of social workers?

**Hon Mr Beer:** As the honourable member has noted, we did release the consultation document,

indeed sent out some 4,000 copies. A variety of groups approached the ministry at the end of the summer and early September to request that the period of time to reply to the consultation document be extended because of the time frame that originally had been set out.

After reviewing that situation, in my judgement, it was appropriate to extend the deadline. I have done that and 15 December is now the extension date we have given for responses to the consultation paper.

### 1450

**Mr Matrundola:** I have received a number of letters and calls from social workers in my riding who are quite concerned about this issue. Can the minister tell us if he has an idea when he might bring forward specific proposals in this area.

**Hon Mr Beer:** I think it is fair to say there are a number of different positions on this particular issue. We want to make sure that when we have received all the responses to the consultation document, we will have an opportunity to review them very carefully, to work with the interested parties and then to bring forward what seems to be the best approach. All I can say at this point is that until we have all the responses in at the end of the year, I am not really in a position at this point to indicate precisely what date we would be prepared to bring in our final response.

### FISHING NEGOTIATIONS

**Mr Wildman:** I have a question of the Minister of Natural Resources. In view of the fact that the Ministry of Natural Resources started negotiations with Grand Council Treaty 3 and the bands in the northwest on the development of an Indian fishing agreement for comanagement of the fisheries resource, and then subsequently suspended those negotiations in 1986 because of the need for public consultation with other interested groups, could the minister explain and indicate to us whether or not the cabinet, the executive council, has given her the go-ahead to recommence negotiations with Grand Council Treaty 3?

**Hon Mrs McLeod:** I have undertaken since coming to the ministry to review both the history of the fishing negotiations with Treaty 3 and also the report that was received, as the member knows, from a committee that was established. I am presently preparing to discuss with my colleagues how we might best resume negotiations with Treaty 3.

**Mr Hampton:** It has been some three years since those negotiations were suspended. The



minister has received a number of notices from Grand Council Treaty 3 requesting that those negotiations begin again. I would like to ask the minister, by way of supplementary, is she going to begin negotiations soon on this issue with Grand Council Treaty 3, or is this going to proceed as this government has proceeded all too often with respect to native issues, into the courts where we may result with a decision that does not in effect amount to co-management of our fisheries resources, but amounts to a decision that does not please anyone? What is it going to be and when is she going to do it?

**Hon Mrs McLeod:** Please let me recognize, in responding to this question, that I am very aware of the very sensitive nature of the issue of negotiations with our native people on the particular matter of fishing rights. I recognize this is an issue that gives rise to a great deal of concern among native people, not only in the Grand Council Treaty 3 area but right across the province, and as well creates some concern for other user groups that have traditionally been involved with the fisheries. I would fully believe that it is possible for us to resume negotiations with due regard for all the concerns and that we will do that at as early a moment as possible.

#### EMPLOYMENT ADJUSTMENT

**Mr Brandt:** A question to the Minister of Labour: It is in regard to a layoff that was announced at 10 o'clock this morning by Fiberglas Canada that will impact on the Sarnia community rather severely.

That there have been a number of layoffs and shutdowns that have occurred in my community over the course of the past year or so, the most recent being a C-I-L announcement to the effect that C-I-L will be laying off some of its staff. There is the Holmes Foundry shutdown, which resulted from a decision by Chrysler, and now more recently the problem with respect to Fiberglas. What response is the Ministry of Labour prepared to provide by way of assistance to these workers who will be impacted not only today as a result of this announcement but by a projected further announcement that will take place six months from now?

**Hon Mr Phillips:** Tragically, this is not the only situation we face in the province. My advice to the leader of the third party is, first, that he encourage workers and management to get together. Second, the federal government and the provincial government are quite prepared and anxious to help alleviate the problems through counselling. We now have, as I mentioned in the

House about a week ago, a program of assistance to older workers. We have a program of training for older workers.

My advice to the member is to encourage the employees, the union and the management to get together and ask both the provincial government and the federal government for assistance. We unfortunately have a fair bit of experience in this now because of the number of plant closings in the province.

**Mr Brandt:** The corporation Fiberglas has indicated it is prepared to exceed the law with respect to severance requirements. I ask if the minister is prepared to commit that he will review that very carefully to make sure the corporation is living up to its requirements with respect to severance pay and layoff notification.

In addition, I ask that there be some discussion between his ministry and his colleague the Minister of Industry, Trade and Technology (Mr Kwinter) to see whether there is some possibility that either different products or some other activities could be carried on at that plant, in conjunction with the Fiberglas ownership obviously, to attempt to keep some of those jobs active and ongoing. They have indicated that as a direct result of the slowdown—

**The Speaker:** Thank you.

**Mr Brandt:** —in the Ontario provincial economy, the slowdown in housing starts that this has caused—

**The Speaker:** The questions have been placed.

**Hon Mr Phillips:** Certainly a part of the program I am talking about in terms of employment adjustment would be to ensure that all the employees at least got the minimum requirements under the Employment Standards Act. I would be happy to ensure that happens. From what I understand of the company response to date, it has assured the workers that it will exceed those minimums by a fair bit.

On the second point, I think all of us have to begin to recognize that we are seeing a number of plant closures in the province. While the responsibility for this rests clearly with the Minister of Industry, Trade and Technology, who I know is working very hard to help to ensure that our future industries are vibrant, I suspect that will be one of the things he will consider as well. On the first point, I will ensure that does take place and I have some assurance from the company that it will exceed those requirements.

## OCCUPATIONAL HEALTH AND SAFETY

**Mr Laughren:** While we in this assembly yesterday afternoon were debating the Minister of Labour's intentions to water down Bill 208, two more workers were killed in Ontario, in this case at the SkyDome. My question for the Minister of Labour flows from his opening statement on second reading when he stated that the government "will propose several measures to enhance the effectiveness of Bill 208 in the construction sector. First...to raise the threshold at which certification is required to 50 workers and a project duration of six months."

Can the Minister of Labour tell us what kind of logic is in his head to think that raising the threshold from 20 workers to 50 workers and from three months' duration to six months' duration for construction projects—how in the world that enhances safety in construction workplaces?

**Hon Mr Phillips:** That was a tragic incident yesterday at the SkyDome in which two workers were killed. What I said yesterday in my remarks, and I will repeat them, is that currently in the construction industry I think we have well fewer than 10 joint health and safety committees. We are proposing to move that to approximately 5,000 joint health and safety committees in this province. We think that is a substantial improvement in terms of construction health and safety in this province, from fewer than 10 joint health and safety committees to well over 5,000.

We are also suggesting in the legislation that as the member said, for projects involving more than 50 workers we have a certified worker, but in all projects involving 20 or more workers—this is a brand-new, major step forward in construction health and safety—we will have joint health and safety committees on those projects.

1500

**Mr Laughren:** I will choose my words carefully because that is a gross distortion of the facts. The minister knows full well that Bill 208, before it is amended, as it now is in place, states that in construction projects of 20 or more workers and projects of three months' or more duration, 20 workers are required for certification for health and safety purposes. In other words, to shut a workplace down, for example, requires 20 workers and three months' duration on the project.

The minister is proposing specific changes that will raise that from 20 workers to 50 and from projects of three months' duration up to six months' duration, so he should not tell us that the

changes he is proposing in Bill 208 are an improvement. They are a grotesque watering down of the bill.

**The Speaker:** The question is, do you agree with the member.

**Hon Mr Phillips:** I will choose my words carefully, too, as I chose my words very carefully before. We will have joint health and safety committees on the projects involving 20 or more workers. That will mean we will have approximately 5,000 joint health and safety committees. That is what I said before. That is what I will say now, and I am choosing my words carefully.

Yesterday I said in the House that I would ask the committee to consider an amendment where certified workers of 50 or more—the reason I said it, and I explained it yesterday in the House, is that often on projects involving 20 workers there may only be at one point in time two or three workers on that project. What I said yesterday was I would ask the committee to consider an amendment where the certified workers would be required on projects of 50 or more because it is the opinion of those who have been involved in the consultations that it is very difficult, if not impossible, to ensure there is a certified worker on a project smaller than 50.

I have asked the committee to examine that, but I have chosen my words very carefully: joint health and safety committees on projects of 20 or more, and believe me, it is going from fewer than 10 to over 5,000, so I do choose my words rather carefully and it is a substantial enhancement in occupational health and safety in the construction sector.

## GOODS AND SERVICES TAX

**Mr Sterling:** I have a question of the Treasurer. Is the Treasurer or any of his colleagues undertaking studies or commissioning reports on the impact of the goods and services tax that is presently being proposed by our federal government, and will he immediately table any of those reports or studies in this Legislature so that we can see those reports?

**Hon R. F. Nixon:** The premiers commissioned the treasurers from across Canada to review the fiscal impact of the goods and services tax on our individual provinces. That report was established by the treasurers in Montreal last week and was handed on to the premiers for their deliberation. I consider it the premiers' report at this time, but that information, which is a compendium of the fiscal impact across Canada, has been made available for their purposes.



## INTRODUCTION OF BILL

### MINING AMENDMENT ACT, 1989

Mr O'Neil moved first reading of Bill 71, An Act to amend the Mining Act.

Motion agreed to.

## ORDERS OF THE DAY

### INTERIM SUPPLY

Mr R. F. Nixon moved resolution 23:

That the Treasurer of Ontario be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing 1 November 1989 and ending 31 December 1989, such payments to be charged to the proper appropriation following the voting of supply.

**Hon R. F. Nixon:** This is a routine motion which requests the approval of the House in support of the routine government programs beginning 1 November and ending 31 December. It contemplates the expenditure of \$5.9 billion.

**Mr Laughren:** I am pleased to engage in this debate on the supply motion. We have a long tradition in this assembly of having wide-ranging debates on supply motion.

**Hon R. F. Nixon:** That sounds as if he is laying the groundwork for a speech that is out of order.

**Mr Hampton:** Only you would do that, Bob.

**Mr Laughren:** I can recall some of the present Treasurer's speeches on interim supply when he was in opposition. He did go on for some time.

I want to talk primarily about fiscal responsibility and problems in the province, but before I do that I was provoked by the Minister of Labour (Mr Phillips) just a few minutes ago in this assembly and I must comment on what the Minister of Labour said. What better place than a supply motion to debate labour legislation?

**The Speaker:** I will listen carefully. I am just wondering if it refers to the—

**Mr Laughren:** Of course it refers to the expenditures of this province, on the number of government inspectors in the workplace that are going to be required out there if the Minister of Labour gets his way with Bill 208. I think the Speaker would agree that if the province intends to hire 4,000 inspectors to monitor safety in the workplace, that certainly falls within the ambit of a supply motion debate. I do not think there will be any question about that.

When I asked the Minister of Labour about his proposed amendments to Bill 208, which are

going to dramatically water down the bill, the minister responded in a not very honest way, if I could put it delicately. The minister really made me angry when he responded. He made me most angry because we are talking about the health and safety of working people in this province and for the Minister of Labour to engage in the kind of response he did was truly grotesque.

What I said to the Minister of Labour was that the existing Bill 208 says there shall be certified health and safety representatives on the job who have the right to shut down a workplace if an operation is deemed to be unsafe. The Minister of Labour responded that, by the way, he is proposing changes that are going to raise that threshold from 20 workers to 50 in order to be certified as a certified health and safety representative, and that the duration of the job must be six months, not three months.

The Minister of Labour knows full well—he is choosing his words very carefully; I suspect he has them memorized—we are talking about the change between Bill 208 as it was introduced and Bill 208 in the way the minister proposes to change it, not the difference between the existing legislation now in the province and what Bill 208 is, after first reading or even after the proposed changes the minister has said he wants to make. What we are talking about here is Bill 208 as it was first introduced and agreed to by the labour movement in this province and by this party. We are talking about that difference, the difference between that and what the minister now proposes to do to gut that bill.

The minister is going to have to explain to me and to a lot of other people how going from 20 workers to 50 in order to have a certified health and safety worker on the job is an enhancement for safety legislation in the province on construction jobs. It makes absolutely no sense.

Interjection.

**Mr Laughren:** No. When the bill was introduced there would have been 5,000 health and safety committees on construction jobs.

Interjection.

**Mr Laughren:** The minister says that there are still going to be 5,000. How many of them will have certified workers who can shut down a dangerous place?

Interjection.

**Mr Laughren:** No, there will not be, because the threshold is 50 workers, not 20. I think the minister surely understands his own legislation. There will not be a certified health and safety worker and they are the only people who can shut

down an unsafe workplace. You cannot have a certified worker unless there are 50 employees now under the minister's proposed amendments. That is what we are objecting to.

**1510**

Why does the minister not leave it the way it was, the way Bill 208 was introduced? That is where he is doing a disservice and that is why I felt compelled to use the example of two workers killed yesterday while we are debating the minister's intention to water down the bill. It is a sad commentary that nothing seems to sink in over there. If we are going to err on the side of a dispute between management and labour on health and safety, and that is what this is, we should be erring on the side of safety. That is not what the minister has said.

I thought the minister understood, but I am starting to wonder because you surely do not improve a bill when you move the threshold from 20 workers to 50 and the project duration from three months to six months in order to have a certified health and safety worker on the job. It surely does not improve health and safety on the job. It makes it more difficult for the workers on the job, a lot more difficult.

It is not appropriate for the minister to stand in his place and pretend that we are going from zero to 5,000 when we are—

**Hon Mr Phillips:** It is not pretending.

**Mr Laughren:** The minister is pretending, because what we are talking about is the difference between Bill 208 as it was introduced and the proposed changes that the minister has put before us. That is what is fundamentally wrong. If he had left Bill 208 in its place, there would not be a problem, but he insists. He has been bludgeoned into changing that bill and that is where he is fundamentally wrong. I personally think he is morally wrong to change the bill that way, but he is determined. It is a condition of employment where he is now, I understand that.

**Hon Mr Phillips:** Nonsense.

**Mr Laughren:** The minister can say it is nonsense if he likes, but the word is out and everybody understands. Everybody understands that the former Minister of Labour was dumped from that portfolio because he would not make the changes that this minister has been conned into making, to put it as bluntly as I can. That is common knowledge in the province of Ontario right now, I say to the minister.

Interjection.

**Mr Laughren:** I do not expect the minister to confess that he had to accept that as a condition of

employment, but it is common knowledge out there in the province and the minister need only check around with some of his friends to understand that.

I do not want to spend the entire day on Bill 208 because we have already had a debate on that bill and it will be going to committee. I do want to talk about another element of fairness, though, and that has to do with the lack of a sense of fairness in the Treasurer when it comes to taxation in the province of Ontario.

I must say that since he became the Treasurer, there has been an amazing increase in reliance on a couple of forms of taxation. Those of course are consumption taxes and property taxes. The minister seems to take great delight in that. I must say that I find passing strange his meanderings—I can only call them meanderings—

**Hon R. F. Nixon:** Maunderings.

**Mr Laughren:** —his meanderings or wanderings about the federal goods and services tax, given his own behaviour in the province of Ontario. We will see as we go along just how serious the Treasurer is about his opposition to the goods and services tax.

It is interesting to note that in 1991, when the goods and services tax takes effect, if it does—that is the anticipated date—the Ontario retail sales tax will raise, almost identically, the amount of money that the goods and services tax will raise in Ontario. So the kettle is surely calling the pot black.

Last year, the Treasurer did not even blush when he raised the retail sales tax from seven per cent to eight per cent, which brought in almost an extra \$1 billion to the province of Ontario's revenues; almost \$1 billion. Last year, the Treasurer's provincial income tax revenues were about \$1 billion over what he had budgeted. At the same time, what did the Treasurer do about food banks in the city of Toronto alone?

If my numbers are correct, there are 80 food banks in the province, which feed about 84,000 people a month. I wonder if the Treasurer knows, if he keeps track of questions that we put to him during this debate, if he can tell us if he knows how many food banks there were when he became the Treasurer. I would be interested in knowing that, to see if the Treasurer knows that.

**Mr Wildman:** He is not listening.

**Mr Laughren:** No. I wonder if the Treasurer will remember the question as to how many food banks there were in Toronto when he became the Treasurer. How many people were the food banks servicing, if I could use that word? It is 84,000 a month right now.



The Treasurer may get some satisfaction at seeing a Mercedes-Benz pull up to a food bank and drop off a box of canned goods. I do not. I find that terribly offensive, having a Mercedes-Benz pull up to a food bank, the occupant get out and drop off a box of canned goods. That is really offensive. That is truly offensive.

**Hon R. F. Nixon:** How about pulling up with an empty trunk and leaving with it full?

**Mr Laughren:** That is truly offensive.

**Mr Wildman:** Did you hear his comment?

**Mr Laughren:** Well, I do not know what the Treasurer is talking about. What I am saying is that it is offensive—

**Mr Wildman:** How many people go to food banks in a Mercedes-Benz to get food? Come on.

**Mr Laughren:** I think the Treasurer is saying that people go to the food banks and load up their trunk and leave. I do not know; I think that is what he said.

My point is that it is disgusting that in Ontario we have food banks, period. The Treasurer seems to be quite comfortable with that image of Toronto the rich with food banks in its core feeding 84,000 people a month. I cannot think of anything more offensive than watching people drop off food at a food bank, the fact that that is necessary in the province. Half the people that they are feeding are children in this province and in this city. I think that the Treasurer has got a lot of thinking to do about fairness in this province.

If we were in hard times, the Treasurer would be arguing that, "Well, you know, it is tough, revenues are down, unemployment is up. These are tough times." If we cannot redistribute income in times like these, when can we? When will there ever be an element of redistribution in this province if not now? Well, the Treasurer knows that in the province of Ontario, according to Statscan, and I am sure the Treasurer knows this, the poverty level for a family of four is something over \$24,000 a year. The Treasurer has seen fit in his own peculiar way to make sure that people earning \$10,000 less than that pay provincial income taxes.

There is much that the Treasurer could do. It does not all involve actual handouts; it involves restructuring the tax system. The Treasurer knows that. He has been told that 100 times, I suppose, but nothing ever happens. I would be interested in knowing from the Treasurer, first of all, if he believes in redistribution of wealth in this jurisdiction over which he has some control, and second, when he thinks it will happen, if he

believes in it. If he does not believe in it, of course, then we can go on to other matters.

But it really is strange to hear the Treasurer talking and bashing the federal government. Of course, he bashes them one day and he praises them the next. He likes the GST one day and he does not like it the next. I do not know what the Treasurer's position is on the goods and services tax. He just does not like the idea that somebody else is dipping into the consumption taxes at the same level that he is, or perhaps even at a percentage higher. That is probably what offends the Treasurer so much, that they will get nine and he only gets eight.

The other thing I mentioned was property taxes. The Treasurer bemoans the effect of the GST on the price of homes and yet he has consistently refused in this jurisdiction to do anything about that. We have been asking him for some time to bring in a speculation tax on homes, not on people who own their home for a period of time, but on people who are flipping homes, who are speculating in homes, particularly in Toronto. The Treasurer will not do anything about that, but then he will bemoan the possibility of a goods and services tax that will increase the price of homes in the same area. There are contradictions between the Treasurer's words and the Treasurer's actions.

## 1520

I asked the Treasurer during question period a week or so ago why it was that with \$1 billion more than he anticipated in provincial income tax revenues in one year, he could not take \$150 million of that, 15 per cent only, and remove everybody below the poverty level from paying provincial income taxes. All it would have taken—

**Mr Hampton:** He is saving it for a giveaway in the next election campaign.

**Mr Laughren:** That is probably what he is doing.

Fifteen per cent of one tax, provincial income tax, \$1 billion more than he thought he was going to get. Those are big dollars that people out there are paying, and I do not believe that people out there in the province of Ontario would object to 15 per cent of that \$1 billion that the Treasurer did not even think he was going to get, above his budget—I do not believe that the generous people in the province of Ontario would object. I know the member sitting beside the Treasurer would not object if everybody below the Statscan level of poverty were removed from the provincial income tax rolls. I believe that fair-minded people in the province of Ontario would accept

that and that the Treasurer would not have any difficulty selling that to the province of Ontario, but he has got to sell it to himself first. Therein lies the rub, I fear. He has not convinced himself.

We have tried to be a responsible opposition when it comes to tax problems by not just saying, "Spend more here but do not raise taxes anywhere." We have tried to be very careful that way and say: "Here are some new sources of revenue. This is where we think you should cut your revenues, and this is where we think you should increase them."

We have tried to be very responsible that way but it reaches a point where you say to yourself, why bother trying to be responsible when the Treasurer just does his own thing anyway? Why do we not just stand in our place here and demand more, more, more, more for everything and cut taxes for everything? Because the Treasurer does not pay any attention anyway. He pays no attention whatsoever.

**Hon R. F. Nixon:** That is not true. Here I am listening to you, and there are only about four of us here.

**Mr Laughren:** That is right. Don't you have any control over your members at all?

**The Deputy Speaker:** This is being said through the Speaker, of course.

**Mr Laughren:** Of course, through the Speaker.

**Hon R. F. Nixon:** There is one lonely socialist here listening to this.

**Mr Laughren:** There is no such thing as a lonely socialist.

**The Deputy Speaker:** No interjections. Order, please.

**Mr Laughren:** When we asked the Treasurer to consider imposing a wealth tax in the province of Ontario, his response was, "Not in my lifetime."

**Hon R. F. Nixon:** I am a rather elderly person.

**Mr Laughren:** Perhaps we could start with his estate. It would go some ways towards building a little kitty for the people of the province of Ontario.

**Hon R. F. Nixon:** Pay off the national debt.

**Mr Laughren:** Pay off the election debt. That is right.

The fact is that there are only two countries out of the 24 in the Organization for Economic Co-operation and Development, the OECD countries, that do not have a wealth tax. Even the United States has one. Australia and Canada are

the only two without a wealth tax, and there is absolutely nothing to prevent the Treasurer—we used to have one in Ontario and the Conservatives did away with it and here we have the Treasurer carrying on with that same Tory tradition of not having a wealth tax.

I really do wonder about what motivates the Treasurer, why he does not see himself as some kind of reformer. Why spend all those years in opposition only to get into power and carry on the policies of the people you have just replaced? Surely it is not enough having a car and driver. He had a car and driver as Leader of the Opposition anyway. There had to be something motivating the Treasurer in order to get to power and, hopefully, to change some policies. But I do not know what it is, because he has carried on the same fiscal philosophy as the previous government did. He made a couple of changes—I do not want to be unfair. We will no longer have OHIP premiums after 1 January and that was a progressive move.

**Hon R. F. Nixon:** And we have reduced the deficit by \$2.5 billion, of course.

**Mr Laughren:** Yes—

**Hon R. F. Nixon:** For you ready-money, no-down-payment people that doesn't make any difference.

**The Deputy Speaker:** Order, please.

**Mr Laughren:**—and we have always told the minister where to get the money. At the same time, the Treasurer is underfunding the school system; he is underfunding the municipalities; the highways are a mess all across the province, and people are wondering where all the money has gone.

When the Treasurer came to office, I believe he was collecting in revenue from the sales tax about \$5 billion. I could be out a little here, but the Treasurer was collecting about \$5 billion in the retail sales tax. Now he collects about \$9 billion; over \$8 billion anyway, I believe.

**Hon R. F. Nixon:** Closer to \$9 billion.

**Mr Laughren:** Closer to \$9 billion, and provincial income tax is up dramatically. If they look at all this extra money that has flowed in, people are scratching their heads and saying, "How come so much of our infrastructure is underfunded, given all the money that the government has?"

**Hon R. F. Nixon:** Medicare has gone from \$8 billion to close to \$14 billion.

**The Deputy Speaker:** Order, please.

**Mr Laughren:** We've told you you're not managing that properly either.



**Hon R. F. Nixon:** Sure, we are.

**Mr Laughren:** You are not or it would not have gone that high.

**The Deputy Speaker:** Would the member ignore the interjections, please, and there will be no further interjections, and address his remarks solely through the Speaker?

**Mr Laughren:** We have tried—

**Hon R. F. Nixon:** How can you have that one both ways, Floyd? You have been in politics too long.

**Mr Laughren:** On that, I do not argue with the Treasurer. But I must say that we have tried very hard over the years not to give the impression we are trying to have it both ways, that there are moneys to be raised and there are better ways of spending them, but we have never laid before the Treasurer a package of suggested tax reforms that did not balance. We have always done that and we have not tried to have it both ways, as the Treasurer would imply. As a matter of fact, I could argue that the Treasurer has had it both ways—he collects all his money and underfunds everything—if I wanted to be simplistic about analysis in the province of Ontario, but I would not do that.

**Hon Mr Elston:** You didn't mention members' indemnities yet, Floyd.

**Mr Laughren:** No, I do not intend to get into members' indemnities. We could start with the wealth tax. The Treasurer would not even have to dig as deep as most people to get to it.

There are a number of problems with the way the Treasurer views his responsibilities. Talk to municipal politicians in the province of Ontario and they will tell you what they think of this Treasurer and the way he has underfunded the municipalities. For example, he has frozen the grants to municipalities, he has frozen the grants on road maintenance and that is costing the municipalities. We know that in the province of Ontario—

**Hon R. F. Nixon:** Municipal grants were up about 8.4 per cent last year.

**Mr Laughren:** The unconditional grants are not up at all; they are frozen. The Treasurer freezes unconditional grants. Given our rate of inflation, he is automatically cutting them. The Treasurer knows that. He is playing games with words.

We know that local property taxes in Ontario are 36 per cent higher than the average for the other nine provinces compared to personal income taxes that are raised in the province. That is a regressive form of tax. I know that the

Treasurer does not quake in his boots at the thought of a regressive tax; as a matter of fact, he trembles all over with anticipation, I think, when he thinks about a regressive tax.

I looked at some of the numbers for increased property taxes in some of the municipalities in the province. This is while the Treasurer is preaching restraint and holding grants, such as the unconditional grants, to zero level of increase. He is imposing on the municipalities the onerous task of sticking it to their property taxpayers, to their ratepayers. In Metropolitan Toronto the property taxes are going up 12.4 per cent, in Hamilton 8.9 per cent, in Waterloo 10.4 per cent.

According to the municipalities, and I do not think I doubt their word, about half of those increases are because of the shifting burden of programs from the province to the municipal level. That was based on a survey that the AMO, the Association of Municipalities of Ontario, did in selected municipalities.

I do not want to dwell too long on the property tax information, but I do want to make sure that the Treasurer understood how unhappy we are with the way in which he is using his increased revenues.

## 1530

It is simply not appropriate in Ontario for the Treasurer to be wallowing in money and not doing something about the distribution of wealth. We are living increasingly in a society that has extremes. You need only to come to Toronto to see that. I suspect the sales of luxury cars, luxury condominiums and luxury homes have increased dramatically at the same level as the incidence of poverty has increased dramatically.

I do not know how the Treasurer can sit and look at that and not want to do something about it. It is not as though it is going to cripple the economy. It is not as though doing something about it would kill initiative out there. That is ridiculous, absolutely ridiculous.

The combination of the federal Mulroney government and its measures against people, such as the unemployment insurance cuts and regional development cuts, along with this Treasurer's parsimonious attitude towards sharing the wealth, has made our country a meaner one. That is surely not what we should be here for. One might expect that from the Mulroney Tories. One does not expect it from anybody who calls himself a Liberal. I know there is a big difference between a small-l liberal and a big-L Liberal. As a matter of fact, one of them just walked in.

**Hon R. F. Nixon:** Which is he?

**Mr Laughren:** The Minister of the Environment (Mr Bradley) is a small-L liberal and the Treasurer is a big-L Liberal who is really a Tory. That is really what the difference is. I was glad to enlighten—

**Hon R. F. Nixon:** The Premier (Mr Peterson) is thinking of changing our offices around.

**Mr Laughren:** There was a rumour that the Treasurer's office would be empty very shortly.

I do want to conclude my remarks to give other members an opportunity to engage in the debate this afternoon, but I want to make sure that the Treasurer is kept aware of our unhappiness with his tax measures. I hope that when he brings in his next budget, which presumably will be in the spring, whether it is his last budget or not, he will take into consideration some of the problems being faced by people out there in the province.

It would be very nice for the Treasurer's commitment in the spring to wipe out the need for food banks in the city of Toronto. That truly is an insult to us as a wealthy society. To have even the presence of those food banks in our midst is an insult. The Treasurer should regard it as a personal insult since he has some control over whether or not those food banks remain as a necessity in Ontario and, in particular, in Toronto.

**Hon R. F. Nixon:** I will probably have a chance to finish up, but if I may, let me use the limited few moments now to respond to a couple of things the honourable member mentioned. By the way, I do pay attention to his speeches, and they are worth listening to.

I disagree with the honourable member on the food bank business. I do not like the fact that they are here. I guess I consider it much the same way as he does, but I am not sure that simply allocating more money to people in need is going to solve that situation since the food banks are growing.

The honourable member would know that our social assistance has increased by 20 per cent year over year to \$2.3 billion. On top of that, we have placed \$415 million in far-reaching reforms for social assistance, which the honourable member strongly supported, and properly so. The idea that somehow there is no effort to redistribute income is of course not on.

If he is talking about some broader job creation programs, there may be something more significant there, although fortunately under the leadership of this government we have one of the lowest levels of unemployment in our recent history. The quality of the jobs may very well be

examined; not everybody can be a bank vice-president or a financial critic for an opposition party—there are very few of those really good jobs around—but there are a lot of jobs in these jurisdictions.

In housing, we have first-time home buyer assistance; under our Ontario home ownership savings plan, there is a rebate on the land transfer tax. Under Homes Now, we put an additional \$1 billion in support of making those purchases.

Our programs for the disabled are here to be listed, and the honourable member knows that while he may think of these as times of constraint and restraint, still our expenditures in the past year have grown just under 10 per cent, which is higher by far than that of any other jurisdiction. Although our average expenditures, admittedly, are not the highest in Canada, we feel we are responding to the needs of the community.

**Mr Laughren:** I do not question the numbers that the Treasurer is using, but I am perplexed by his comment about the food banks. I am not sure what he means when he says the food banks are growing. The food banks are indeed growing, and so is the instance of poverty growing. Why the Treasurer would see that as some kind of contradiction, I do not know. I do know, though, he cannot ignore the Statistics Canada numbers on what constitutes a poverty level.

I know the Treasurer does not have to maintain a home in Toronto—I understand that—and neither do I, but I think he should understand that people who do must have an enormous difficulty coping and that is why there are 84,000 people using the food banks every month. It is not because they have got more money than they need and they want to spend the money on something else. People do not go readily to a food bank for assistance. That surely is a last resort.

When the Treasurer dismisses the question of food banks by saying they are growing and therefore he does not want to away with them, I am perplexed by that response.

**Mr McLean:** I want to participate in this debate because the Treasurer is looking for a \$5.9-billion allotment of money, and I do not think it is a routine kind of motion that should slip through and just be voted on without some participation from the members of the Legislature.

The motion that the Treasurer authorized be to pay the salaries of civil servants and other necessary payments pending the voting of supply for the period commencing 1 November 1989 to 31 December 1989, which is only two months for almost \$6 billion, involves a lot of money.



I have concerns with regard to the budgetary policies of this government, and I would like to relate some of them to members with regard to the critic's position that I hold with regard to tourism and how this budget affect tourism in the province.

As my party's Tourism and Recreation critic, I would like to focus some of my attention on the tourism and hospitality industry because this sector of Ontario's economy creates employment. It captures a large percentage of foreign visitors to Canada and, I might add, increases revenues for the Treasurer; revenues that the Treasurer today wants to spend.

All of the above will happen if this very important and vibrant industry remains healthy. But the current government's policies with respect to taxation and reduced spending for the tourism and hospitality industry are undermining the health and future of an industry that generates unparalleled employment and economic opportunities. It substantially reduces our provincial travel deficit and attracts our rightful share of world travel and tourism revenues.

Tourism represents a very real, new frontier of growth for the province, but this government appears to be doing everything in its power to choke off that growth. The government is choking that growth by increasing its own administration program spending and slamming the tourism and hospitality industry with exorbitant taxes.

I would like to take a few minutes to demonstrate how the taxes contained in the 1989 provincial budget will adversely affect the tourism industry. It should be noted that many if not all of these same taxes will adversely affect small business and individuals throughout the province, but not just the tourism industry.

The employer health levy, which is also known as the payroll tax, is aimed at replacing taxable OHIP premiums on individuals and families. I fear that employment rationalization, fewer jobs for temporary, part-time and casual labour, including students, will be one of the first noticeable results of this new tax. Ultimately, employees will end up paying as their employers reduce salary increases to compensate for the payroll tax. As well, this form of taxation is extremely inflationary and makes Ontario's tourism industry less competitive in US markets.

#### 1540

The increased personal income tax will end up reducing net incomes for middle- and upper-income residents of Ontario, reducing discretionary consumer spending, reducing pleasure and

vacation travel in this province and increasing pleasure and vacation travel by Ontarians to the US and other, less costly destinations.

Yes, the increased fuel taxes will result in fewer people travelling by automobiles to Ontario, and I expect we could very well see fewer Americans visiting here and more Ontarians visiting the United States.

Yes, increased alcohol taxes will end up reducing licensee sales of beverage alcohol, producing an increase in illicit importation of beverage alcohol from the United States and a decrease in tax revenues for the provincial Treasury.

We also have the increase in the motor vehicle taxes. Fees and licences will result in less discretionary income for all Ontario motorists. We will see less discretionary travel and spending on tourism and hospitality products and services, and it could result in more accidents as drivers keep their worn tires longer rather than paying the new tax, and a decrease in the number of new car sales will have a negative impact on Ontario's economy as a whole.

The commercial concentration levy will result in higher hotel and parking costs, which will drive domestic and foreign visitors away from Toronto and the rest of Ontario, and that includes the valuable international convention and conference businesses.

Then we look at the increased municipal lot levies. They could very well result in much lower future development of tourism and hospitality facilities due to much higher infrastructure costs and municipal taxes as well. I expect that industry diversification and the development of new, competitive and innovative tourism products and services will cease unless financing costs are subsidized by associated commercial and residential development.

As members can clearly see, this government is doing its utmost to undermine Ontario's tourism and hospitality industry through increased taxation. Instead of investing in the tourism industry's future, the government has chosen to pump taxpayers' money into increasing its ministry administration programs.

Based on a review of the expenditure of 25 government ministries, administration program spending has increased by a whopping 43.7 per cent since this government came to power in 1985-86. I would like to outline the shocking details of this increased administration program spending.

Relative to the 1985-86 ministry administration program spending levels, spending on this

program in the current fiscal year is up by 50.7 per cent. By comparison, total spending by these ministries has gone up 45.9 per cent over the same period. Spending on the administration program will account for 1.6 per cent of total spending by these ministries in fiscal 1989-90, the exact same share of total spending as in 1985-86. The increase in administration program spending accounts for 1.7 per cent of the total increase in expenditures by these ministries from 1985-86 to 1988-89.

Among the government's line ministries, the big spenders show very little or no change in the percentage of total expenditures allocated to their administration programs. The administration program share of total expenditures has declined in Health, Community and Social Services, Education and Housing and is unchanged in Colleges and Universities. Also, in these ministries the increase in administration spending tends to be lower as a percentage of the total increase in spending than in the case of other portfolios.

The year-over-year changes in the administration or main office programs of 32 ministries and offices was reviewed for 1984-85 to 1988-89 and compared to changes in total government budgetary expenditures. Through this review we learned that spending on administration programs has increased at a higher rate than total budgetary spending in three of the five years surveyed. That happened while administration or main office expenditures in the sample increased by 69.6 per cent over the surveyed period.

This increase represented 1.9 per cent of the increase of \$14.8 billion in total budgetary spending. I think we can see that the government's decision to focus its financial attention on administration programs rather than supporting the tourism and hospitality industry is a clear sign that its spending priorities are unhealthy, unwise and a sad comment on the state of the financial affairs of the province.

The advertising promotion efforts of both public and private sectors in tourism should be broadened and intensified if the tourism industry is to maximize its business opportunity and its share of the market. Clearly, responsive and responsible public policies exert the greatest impact and influence on the fortunes of the tourism and hospitality industry, and that industry is looking to the Minister of Tourism and Recreation (Mr Black) and the government to provide leadership, counsel and assistance.

The entrepreneurial spirit is alive and well in Ontario in spite of the policies of the current

government. The entrepreneurial spirit is alive and well in the tourism and hospitality industry. This spirit can only survive and flourish as long as there is an appropriate level of co-operation and support from the government, and that means leadership, something we have not yet seen with this government when it comes to Ontario's important tourism and hospitality industry.

Bill 119, with regard to the Ontario lottery program, where the Treasurer wants all the funding to go into the one pot, was before the standing committee on general government. The Minister of Tourism and Recreation did not see fit to speak on behalf of the groups and organizations like the Rural Ontario Municipal Association and AMO across this province to keep a third of that profit in that area for the sports, fitness and recreation groups that wanted to keep it there.

I believe the committee had about 98 per cent of its delegations objecting to the proposal, which I understand the government is going to carry through without amendments, and therefore the Treasurer will increase his revenues.

We have no objection to funds from Lottario and Wintario going to health care, but we do believe there should have been a specific amount there for sports and recreational groups so they would know they did have at least a third of the amount of money.

In the quarterly report of the Treasurer with regard to the budget plan and current outlook, it is interesting to note the amount of funds collected in gasoline tax, fuel tax and vehicle and driver registration fees. It totals \$2.3 billion or a little better. We look at what is being spent on the roads today, and it amounts to about \$726 million.

Where are the rest of the funds that are being raised in this province through our gasoline tax and licence fees to go into roads? They are going into the consolidated revenue fund and, therefore, not going back to the roads, where they should be. At one time, about 34 per cent of the budget in the province went to roads. Today, I believe it is about five per cent.

When we look at some of the figures, we see the amount of accumulated debt by this government has increased. The Treasurer indicates, "We have lowered our deficit." But the way they have lowered the deficit is by not budgeting for as great a deficit as they were, although the total debt of the province has gone from about \$23 billion in 1984-85 to approximately \$40 billion. When we look at the budgetary policies of this



government, it certainly leaves something to be desired.

**1550**

I might as well now say I am sure that next year, six months before the next election, the Treasurer is going to bring in a budget which, with all these increased taxes that he has put on—some 38 of them in the last four years—will be a balanced budget for that year, although our debt in the province will still be over \$40 billion. That will be about \$4,100 for every man, woman and child. When they took office, it was about \$2,300 for every man, woman and child. So the big talk will be that the Treasurer has balanced the budget in Ontario. That will be what the news will pick up, but they will forget that the same government has increased the debt in Ontario by double.

We look at some of the administration costs that have taken place in the ministries since this government has come to power. The Ministry of Northern Development's main office has increased by 300 per cent—yes, 300 per cent. The Ministry of Skills Development's administration has gone up 220 per cent. The Ministry of Government Services' main office administration has gone up 200 per cent. The senior citizens' main office has increased by 150 per cent. The Ministry of Labour's administration has gone up by 110 per cent—and I am just talking about administration in the offices—and, yes, the Ministry of Financial Institutions is up by 100 per cent and the Ministry of Municipal Affairs, 100 per cent.

These are just examples of the increased spending of this government with regard to ministry offices. They have also hired approximately 8,000 new people. So instead of being fiscally responsible, they are spending the taxpayers' money on administration and not on programs.

I want to put some of those remarks before this Legislature because when we are dealing with an almost \$6-billion approval here of the budgetary process for this province, I think the policies of this government should be reviewed. I believe the members should have an opportunity to speak and to bring to the Treasurer's attention some of the concerns that we are hearing in our own constituencies, and I would hope they will be of some value to the Treasurer.

**Hon R. F. Nixon:** Just to comment on one important item that the honourable member for Simcoe East referred to, he expressed a commonly voiced concern that the revenues from gasoline and licences are not all going back into the roads.

I would begin by saying that we do not have allocated revenues in that regard. The revenues go into the consolidated revenue fund and then the Legislature decides, with the guidance of the government, what the allocations will be year by year.

But this year, the allocation for the Ministry of Transportation went from about \$2 billion to \$2.3 billion, an increase of 11.9 per cent; that is this year over last year. Our revenues for gasoline and fuel together go to about \$1.7 billion and if we add in \$500 million from other licences, we are at about \$2.2 billion. Those numbers are not far off.

I will admit that not all the money that goes to the Ministry of Transportation goes into buying asphalt and concrete. We have an allocation for the municipalities of about \$700 million to \$800 million for their road programs. Some of the municipalities feel it is still inadequate, if members can believe that, but in fact it is quite substantial and more than we spend on our own provincial roads. That is why this year we have a special allocation, beginning this year over the next five years, of an extra \$2 billion. That led me to increase the gasoline tax.

I think the honourable member, as a good Progressive Conservative, would be glad to know something that I have mentioned in the House before, as a matter of fact, on every occasion that I got a chance to, and that is that for the government of Canada, Michael Wilson, the Minister of Finance, levies a higher gasoline tax in Ontario than the provincial government does. In other words, he takes more money out of Ontario into the federal Treasury from gasoline tax than goes into our fund, and he does not build any roads at all.

**Mr McLean:** Just briefly, I have had the opportunity to review the estimates of the Ministry of Transportation and the total budgetary estimate of that ministry is not as much as it is taking in in fuels, gasoline tax and licences. So what I am telling the Treasurer is the fact that the government is taking in more revenue in licences and fuel and gasoline tax than it is spending in the whole ministry. I believe that is a fact with regard to the estimates that I looked at. So when the Treasurer talks about the expenditures of the Ministry of Transportation, I have my views on it and of course he has his and it is a matter of opinion of who is correct. We probably both feel that we are.

On another aspect of his comment, I was surprised that he did not indicate what the price of fuel is at Earl's Shell, although I can tell the

Treasurer that in part of my constituency the fuel is 53 cents and in another part of my constituency it is 46 cents. I cannot for the life of me understand how, within 50 miles or less, it is always a different price with the same companies. The same companies own the service stations. I have no idea why the Treasurer does not do something about this problem that affects people in my riding.

With regard to his budgetary policies, I believe the Treasurer has gone wild with regard to hiring new people in administration and spending in administration and I would just hope he would learn some of the ways of we responsible Progressive Conservative members.

**Mr Hampton:** I always look forward to an opportunity to speak on supply motions because I know that the Treasurer listens with bated breath to everything we have to say and then usually responds by saying something altogether unrelated to the issues we wanted to bring to his attention.

I am particularly pleased to be able to take part in this debate today because now that this government has been entrenched in its majority for a little over two years, the results of its spending policies and the results of some of its other policies are starting to show. One of the most unpleasant tasks I have had in quite some time occurred just a couple of weeks ago when I met with representatives of some of the boards of education in my area. They delineated for me, chapter and verse, the kinds of choices that this government is forcing them to make.

Let me just give the spending background of this. As we all know, the province used to cover about 60 per cent of a local board of education's spending. In other words, if a local board of education spent a dollar, the province usually covered 60 cents of that dollar. Over the last 10 years that has dropped significantly. It has dropped to the point where some of the boards of education that I spoke to earlier in September pointed out to me that the province is now covering only about 38 cents of every dollar they spend. In other words, they have to find from local taxpayers 62 cents of each educational dollar.

The first point they take issue on in this is simply that they are aware that the property tax is a most regressive and unfair tax. In fact, many board members have put it to me that in their view it is the most regressive tax of all because you are taxed not on what you earn, you are taxed not on what you have in the bank, you are taxed not on wealth, you are simply taxed on the home

you own, the lot that your home is situated on or, if you are a farmer, you are taxed in some degree on the farm land that you own. The tax has no relation to income.

## 1600

I do not think I need to remind the Treasurer that what is happening across northern Ontario is there is a depopulation of northern Ontario taking place. Since this government, as with the federal government, believes that the free market should rule, the free market should decide where jobs are located, where economic activity is located and therefore where people are located, what we see happening is industries moving out of northern Ontario. Many of them, thanks to the trade deal, are moving right out of the country, but industries are moving out of northern Ontario and as a result jobs are moving out of northern Ontario and we find more and more that many of our communities are retirement communities.

If you go to a town like Atikokan, for example, one community in my constituency, you will find that a very high percentage of the people are retired individuals on fixed incomes. If you go to the village of Rainy River, you will find the same situation. I would suggest if you go to Ear Falls you will find the same situation. Even if you go to Thunder Bay you will find the same situation. A very high proportion of the people who live there are senior citizens.

In addition, many of the people who try to live and work in northern Ontario today are unable to find full-time, permanent employment. You find more and more people who have to make do on seasonal incomes and therefore they do not have great incomes. But then along comes the board of education, which has been made poor by this government, and the board of education says, "We realize you have very little income with which to pay, we realize you have very little in the way of assets, but we must increase the property tax this year by seven per cent, by nine per cent, by 10 per cent, if we are to cover our education budget."

Boards of education are not happy doing this, they are not happy at all, but the simple fact of the matter is that this government is not as generous with boards of education as it should be and as it said it would be. I need only go back into the political history of the Liberal Party and into the political history of this government to note for the Treasurer's sake and for all Liberals' sakes the fact that the Treasurer has repeated time and again in the past that he would increase provincial spending in local education to the point where he would cover 60 per cent of the



costs of local education once again. That has not happened, and I want to say to the Treasurer that this government has created a great deal of hardship in many communities. It has created a great deal of hardship for many boards of education, and it has created a great deal of hardship for many people who cannot afford to pay the most unfair and regressive tax of all, the property tax.

There is another side to this argument, because while the province has not been forthcoming with the money, the province has found no problem whatsoever in saying to local boards of education: "You must provide mandatory sex education, or mandatory AIDS education, or mandatory drug and alcohol education. You must provide special education for individuals who have special needs."

Another policy of this government, through the Ministry of Community and Social Services, is to deinstitutionalize many disadvantaged individuals and move them out of institutions and back into the local community and back into the local school system. Boards of education are being hit with added costs there as well. This government seems to have no problem in saying to boards of education, "You must do this, you must provide that, you must have a special program for this and you must have a special program for that over there," but there is never any money coming along with it.

So local boards of education face a second very difficult problem. When it comes down to budget time, they realize they are going to get only so much money from the province—not enough money from the province—they realize they can tax only so much through the property tax and they realize that there is a limit on what people can pay through the property tax. They increase that to that limit and more, in some cases, but on top of that they then must make very difficult decisions as to where to cut the education budget and whom to cut.

The most painful process that I think the local board of education in my home town had to go through was in chopping several special-education teachers. It realized in doing that that it was going to be hurting the students in the system who needed help the most; that children with learning disabilities are not going to get the individual attention they need and other individual students in the system who for some reason were developmentally delayed were not going to get the kind of special attention they needed or the kinds of small classes they needed.

These are very painful things to have to do, to know that it is going to limit severely the degree to which a disadvantaged individual may proceed through life with dignity and with the kind of quality of life that we would wish for everyone; these are very difficult decisions for a local board of education. But, again, because this government has not lived up to its spending promises in terms of education funding, because this government has found it very easy at election time to make the promise of more support for local education and then after the election to back away from it, boards of education all over this province are being faced with those very painful decisions.

If you do not cut special education, then where else do you cut? Do you take it out of capital budget for your schools? Do you try to rework your capital allocations, take money out of capital and put it into programs? That is very shortsighted, because if that is the game you are going to play, again you wind up in the situation that many boards are in: the Dryden Board of Education, for example, having to forgo needed repairs and maintenance to its high school because it just does not have the money in the system and facing the situation where if it forgoes those needed repairs, two or three years down the line it is going to be very expensive indeed because it will not be facing a repair job then, it will be facing a rebuilding job.

Those are the kinds of situations and the kinds of pressures that boards of education face because of this government's spending policies with respect to education. It has promised time and time again that it is going to support local school boards in terms of their spending requirements more than it has in the past. That simply has not happened. In fact, if one looks at its figures, and it is unanimous in its agreement on this, its record has got worse. In many cases it is below 40 per cent in terms of its support of local education.

It is sad to say that local boards of education are in that situation. It is sad to say that, but it is even sadder to note the situation that many local municipalities find themselves in, because their funding has been cut as well. Whether you look at streets and roads, whether you look at the unconditional grant system or whether you look at new responsibilities that this government has sloughed off on municipalities, the situation gets worse with each item you look at.

For example, earlier this summer the government forced on to local municipalities the cost and the responsibility of providing security in all

court sessions. Whether they be provincial court, whether they be district court, Supreme Court, Small Claims Court, it is now the responsibility of local municipalities to provide security in these institutions.

What is so despicable about this is that this government had in its hands a report, an internal report that it wanted to keep confidential, which indicated that this was going to be a transfer of financial responsibility of at least \$60 million on to municipalities; at least \$60 million in costs was going to be added on to municipalities because of this transfer of responsibility. Have we seen any extra financial support, have we seen a grant of any kind to cover this added responsibility? None whatsoever.

The province knew it was dumping at least \$60 million in costs on to local municipalities and there was absolutely no financial reparation and no financial assistance to deal with this. The province trotted out some very old language about what had happened five or six years ago, but it took only a couple of minutes at the standing committee on administration of justice to discover that what the province was talking about, if looked at in terms of inflation and if looked at in terms of the special needs for court security, just did not cover the bill.

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There again, you have municipalities. Now where are the municipalities going to provide this court security? What are they going to do? They can go out and they can hire security guards. They can train security guards, bring them on as special constables or in some other capacity. However they do it, that is going to cost them money. What they could do otherwise is they could take policemen, regular police officers off the street and put them in the courthouse.

Now that sounds wonderful because we hear from the Solicitor General (Mr Offer) every day or at least every week a statement to the effect that we are going to see increased police effectiveness, that we are going to see more community policing. If you are taking officers off the street and you are putting them in the local courtroom to act as security officers, somewhere there is a hole in the policy.

Local municipalities are in a straitjacket. They have to hire new officers for the purpose of security, in which case they have to raise the money and where does the money come from? Again, it comes from local property taxes, the most unfair, the most regressive tax of all. That is just one example.

Let's take streets and roads. I am sometimes amazed at the contortions that the federal Liberal Party and this Liberal government go through on the same issue. Across northern Ontario right now, you have a task force being run by some of the federal Liberal members, and they are looking at municipal infrastructure financing. They go into a community like Kenora or a community like Thunder Bay—I am glad that one of the government members from Thunder Bay is here because he will know about this, he will be aware of this—and they ask the municipal officials, "List for us all of your costs in terms of bridges, in terms of streets and roads, in terms of sewer and water," and they say, "Isn't it terrible that this federal government is not providing you with any funds to do this kind of work?"

At the same time, they conveniently ignore that the provincial government, which has created municipal governments by statute, has cut funding for these things. It is absolutely amazing how federal Liberals find it very easy to complain about the federal government in respect of its shortages and its lack of ability to assist municipalities and they totally ignore the absolutely terrible record of this provincial government in terms of assigning more and more responsibilities to municipal governments and at the same time cutting back on funding for municipal governments for local municipal services. It is absolutely incredible that they think they can get away with this. It is also absolutely incredible that this provincial government thinks it can get away with it.

We all know the game the government is playing. The Treasurer salts away \$1 billion here on the sales tax and then he does a neat three-month operation in terms of double taxation for OHIP. People are paying premiums while businesses are paying the new OHIP payroll tax and he racks up another \$500 million in double taxes and he has a neat little nest egg there that he can perhaps roll out in the next election campaign. That is what is going on here.

**Hon R. F. Nixon:** There is no extra money collected, no double revenue.

**Mr Hampton:** I find it interesting to compare what the Treasurer says in this House with what the Ministry of Health officials say to people on the telephone. The Treasurer comes in this House and says, "No double taxation." Individuals get in the mail a bill from OHIP saying, "You owe us so much money for your OHIP premiums." They also get a notice saying, "As of January you are going to have to start paying the payroll tax."



So they phone up OHIP or they phone up the Treasurer's office and they say, "Which one of these don't I have to pay?" They are expecting that they are going to get an answer, "Well, ignore this one or ignore that one." Instead what they get is they are told, "Well, you have to pay your premium and if you are subject to the payroll tax, you have to pay that as well."

Will the Treasurer tell us who is wrong here, because thousands of people across this province are making that phone call to OHIP and they are saying: "This can't be right. I can't be held responsible for the payroll tax and at the same time be held responsible for the OHIP premium notice. Which is it?" The answer they get from his government is, "You are responsible for both." I am asking the Treasurer to please explain to us why when people make that telephone call, they are being told, "You are responsible for both."

We have quoted on the record some of his officials, officials from other ministries of his government, who are saying that the double taxation will amount to about \$529 million for the first three months of 1990.

**Hon R. F. Nixon:** Wrong.

**Mr Hampton:** The Treasurer says it is wrong. Then why are people receiving that answer when they telephone ministries of his government? Why are they receiving the answer from his officials that they are responsible for paying both the OHIP premiums for January, February and March and the OHIP payroll tax for 1990?

**Hon R. F. Nixon:** You have heard the explanation in the House three times. What is the sense of giving it to you a fourth time?

**Mr Hampton:** The Treasurer says we have heard the explanation. Yes, we have heard the explanation, but if that is the explanation, why are individual citizens, when they phone his government's offices, being told that they are still responsible for both?

**Hon R. F. Nixon:** Because they are.

**Mr Hampton:** He tells us they are responsible for both. I thank him. He finally admitted it. Does he tell us that that does not amount to double taxation then?

**Hon R. F. Nixon:** I tell you it does not amount to double taxation then..

**Mr Hampton:** I have always been aware that the Liberal Party could do wonderful things with the language, but this doublespeak I have to hear. I have to understand and I want this Treasurer to explain this doublespeak to us very carefully because there are thousands of people across the

province who do not understand this doublespeak and they want to know.

But the point is—

**Hon Mr Elston:** Time to stop stickhandling and pass the puck.

**Mr Hampton:** Now we have the minister for insurance companies getting into the act here. He obviously does not want to know what is happening either.

The point is that what this government has done with its spending policies is it has transferred, it has pushed off, it has foisted upon municipal governments more and more of the crucial cost of keeping a civil society together, of meeting the needs of a civil society, of meeting the needs of our communities. They have pushed off more and more of the costs, whether we are talking about education costs, street and road cost, sewer and water costs, court security costs, those things are being passed on to local governments more and more.

At the same time, this government wants to claim credit for doing wonderful things in these areas. I say to the Treasurer and I say to this government in general, the kinds of difficult decisions that boards of education and local municipalities are having to make right now are evidence of exactly what they have been doing.

Those people have absolutely no room to talk, absolutely no room and no record to boast about because they have foisted on to local communities all kinds of hardships and all kinds of people out there in local communities are having to pay for it. Whether it comes from disabled children with special needs or whether it comes from property owners who are existing on limited incomes and are being hit with higher and higher property taxes, whichever end we look at, those people are hurting and this government is responsible because this government is the source of it.

Since we have got into this OHIP thing, I just want to comment a little further on this bit of wizardry from the Treasurer, because it really is a bit of wizardry. When I go back and I read any sort of textbook that talks about general principles of taxation, it talks about equity, it talks about the efficiency in terms of how efficiently the tax will raise income, the equity in terms of who will pay, who will be covered, whether the cost will be shared proportionately across society and so on.

Then I look at the new OHIP payroll tax and I find that if you can somehow disguise yourself as self-employed—

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**Hon R. F. Nixon:** A lawyer or something like that.

**Mr Hampton:** Exactly, and I am glad the Treasurer picked an example of a lawyer. Let's just go through some of these examples. If you are a self-employed lawyer, and let's assume you have a lucrative real estate practice and you have one secretary, you pay her, as lawyers often do—

**Hon R. F. Nixon:** A pittance.

**Mr Hampton:** A pittance, that is right. You pay her \$20,000 a year in income. That is the payroll tax that that self-employed lawyer will pay taxes on, pay his payroll tax on. So you take one per cent of \$20,000. His own income or her own net income may be in the \$80,000 or \$90,000 category, but because of the mechanism the Treasurer has chosen, that person will not pay a payroll tax on his own income. What incredible people to give a free ride to.

Let's take a real yuppie example, a real Toronto example, one of those folks in Toronto who has learned how to play the housing market, who has learned how to buy at \$200,000 and hang on to it for six months or a year and sell it for \$400,000 with a net turnover of \$200,000. Are they going to pay any OHIP payroll tax? No, they are not going to pay any OHIP payroll tax on that.

Let's take a dentist, let's take a doctor who is able to say: "I am self-employed. I have one nurse. All of the rest of the people I work with, many of the people who do my work, don't work for me, they work for the local hospital. My income may be \$120,000 a year as a doctor, but I don't have to pay payroll tax on my net income. I will pay for my one nurse."

As well, doctors too often, I am sorry to say, do not pay the wages that we would like them to pay. So this doctor has one nurse. He pays her \$25,000 a year. His contribution to OHIP will be one per cent of \$25,000 a year. His own \$125,000 net income he whistles away to the Bahamas with. He does not have to pay an OHIP payroll tax on that. Many of the people he relies upon to do his actual work work in a public hospital, and who is going to pay that? Public hospitals are going to pay that. Where is that going to come from? That is going to come out of the regular taxpayer again. Many of us support—

**Hon R. F. Nixon:** That is the next bill. You are going to have to do this speech again.

**Mr Hampton:** The Treasurer says I will have to give this speech again when we talk about the next bill. I want him to know I look forward to giving it again, because it illustrates fundamen-

tally the unfairness and the regressiveness of the kinds of tax policies that his government is putting in place and has put in place. Those are the kinds of issues that the next election is going to be fought on, not what grants he can dole out here or dole out there conveniently at election time.

**Mr Charlton:** Bob Nixon, the man who finally nailed the coffin shut.

**Mr Hampton:** Yes. Now let me just point to the other side of the example for the Treasurer to make sure that he knows what it is about.

If you are a small logging operation—and I will use one that I am comfortable with because the example has been brought to my attention. If you are a small logger and you have got six employees and you pay them \$30,000 a year, and then you have got a secretary, so you are bumped up above the \$200,000 a year mark, you are going to pay the OHIP payroll tax on everything you pay out. You may add a lot to the local economy in terms of the jobs you create, in terms of the production that you add to society; you may also add to the economy in terms of the value of the export of your lumber or your pulp and paper, but you are going to pay OHIP tax on the full range of your payroll.

If the Treasurer can explain the fairness behind a virtual exemption for the \$80,000-a-year income of a self-employed lawyer and a \$120,000-a-year self-employed doctor, why their wages and salaries should be exempted from the OHIP payroll tax, and why people who have six or seven employees have to pay the OHIP payroll tax, I want to hear that explanation. That, as I say, is another example of the skewed spending and taxing policies of this government. It is an example of the unfairness and the regressiveness of the spending and taxing policies of this government, an example that this government should not be allowed to get away with.

I want to hear from the Treasurer on this. If he is all talked out today, as he said, we will have another chance when we deal with the OHIP bill because there are many people out there who want to know how he justifies some of the workings of his proposed OHIP payroll tax, just as there are many boards of education who want to hear how he can justify promises he made in the last election about 60 per cent provincial support for board of education spending when he has now dropped that support to under 40 per cent. There are all kinds of local municipalities which want to know how they are going to pick up the additional responsibilities the Treasurer



has placed on them, and yet, at the same time, he continues to cut his financial assistance to those communities.

If the Treasurer would honour us with his explanations of those, I would be most appreciative and I know that there are many communities out there and many individuals who would be most appreciative indeed because, as I said, I think what is happening here is fundamentally unfair, fundamentally regressive and is imposing a number of harsh hardships on people across the province of Ontario.

**Hon R. F. Nixon:** If I can use the two minutes that are allotted to me in this regard, I want to tell the honourable member that was quite a good speech, contrived out of very thin philosophical cloth. Since he does not have much to talk about, I want to compliment him in that regard.

I do not know whether to talk about the underfunding of municipalities or give an explanation, which is obvious to any thoughtful person, about the so-called overlap in OHIP and employer health tax premiums, which does not exist, or whether to talk about underfunding of education or the fact that the north is losing jobs. All of those things are a matter of good political grist and I think, since I have one minute and 15 seconds left, that will be enough to deal with the education funding, which is a matter of concern everywhere.

The honourable member would know that the percentage of support for various school boards is established on the basis of a formula which varies across the province. It depends on the education facilities required and particularly the assessment available.

The honourable member would know that in a municipality like Toronto with very high assessment our support is certainly below 60 per cent. As a matter of fact, it is approaching zero per cent. It is expected that next year they will owe the Treasury of Ontario money. It is a moot question as to how we are going to get it out of them. I am not spending a lot of time worrying about that, but the point is that for boards which have inadequate resources, we have paid far above 60 per cent.

It goes without saying that we would like to have more money for northern roads, northern schools, northern hospitals, northern lawyers and northern environmental programs, but in fact we have gone a long way to supporting education this year, including colleges and universities and skills development, \$8.3 billion. While it is insufficient, it is a lot of money and does give us a very good system.

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**Mr Laughren:** I really must comment on my colleague's remarks concerning double taxation. I forgot to do it when I was speaking.

The Treasurer is hard pressed to explain how it is possible for people to be paying premiums in December for the following three months, January, February and March, and then in January get a bill, to replace the health care premiums, for the month of January. I do not know how the Treasurer explains that away. I do not understand how the Treasurer can explain away such a blatant example of double taxation.

If the Treasurer had said—I almost hesitate to give him this out, but when I saw the bill, I wondered why the Treasurer did not say, “Yes, employers are paying that premium”—or anybody is paying that premium—

**Hon R. F. Nixon:** Or next April or May? That would satisfy the simplistic approach you would take.

**Mr Laughren:** I did not say that. He could have said that people are paying the tax for January, February and March and that in January they will be paying it for April, May and June. But the Treasurer caused himself a lot of grief because he felt he had to be honest and admit that he was basically double taxing people.

**Mr Hampton:** It is always a pleasure to get a response from the Treasurer. He says, “We’re spending \$8 billion on skills development and schools this year.”

**Hon R. F. Nixon:** It’s \$8.3 billion.

**Mr Hampton:** It is \$8.3 billion, he says: “Isn’t this wonderful?” I realize the Treasurer has been here a long time. I realize he is a parsimonious fellow. I also want him to realize that times have changed a great deal and that the real issue here is that we have the member for Renfrew North (Mr Conway), who is the Minister of Education, the Minister of College and Universities and the Minister of Skills Development, trotting across the province making wonderful announcements: “We’re going to do this in the 21st century of education. We have to provide for these skills. We’re going to do this.” Hardly a week goes by when the Ministry of Education, the Ministry of Skills Development or the Ministry of Colleges and Universities does not make an announcement to this extent. Yet when you look at the announcements and then at what is being spent, the announcements too often do not carry with them any dollars from this government. That is the issue.

This government has forced upon local boards of education more and more mandatory programs and more and more expensive programs, but the money is not there to go with it. So the Treasurer should not say to us, "We put out \$8.3 billion and that's the end of the question." The fact of the matter is that in the last five years, with what the government has said to boards of education in terms of what they must do, it has not come across with the money. So the figure of \$8.3 billion is very meaningless indeed; it just does not match up with the requirements the government has placed on them.

**The Acting Speaker (Mr Breaugh):** Any further debate on the motion? The member for Stormont, Dundas and Glengarry.

**Mr Villeneuve:** I too am pleased to participate this afternoon in the debate on interim supply. First, Mr Speaker, let me congratulate you on your ascension to the throne. You are a very knowledgeable person about the way the process occurs around here. I think your party made a very wise choice in selecting you as its representative at this level. I congratulate you. I know you will perform very well, and I look forward to participating in many more debates with you in the chair.

To the question at hand regarding interim supply, I will touch on a number of subjects. First and foremost, the one probably closest to my heart involves agriculture and the farmers here in Ontario. I know that both the present Minister of Agriculture and Food (Mr Ramsay) and the former minister had very little to do and say about the way the farm tax rebate process changed. It changed rather extensively. I know that the Treasurer was basically the one who was calling the shots and, indeed, created a means test for agriculture and the people who are involved in it.

I happen to have with me the 1989 Ontario farm tax rebate program brochure and the application for our farmers, who right at this particular point in time are probably faced with having to complete this little questionnaire. When you get down to question 13, it asks, "What is your main farm operation?" That is fairly simple. Then: "What is the total off-farm income of all registered owners?" A very good question. It is not a means test; at least that is what the Treasurer says, and that is what the Minister of Agriculture and Food says: "No, it is not a means test. But we want to know just how much money you make from sources other than farming."

There is quite a grey area there because at one point the former Minister of Agriculture and

Food mentioned that custom work done by a farmer with his farm equipment on someone else's farm qualified as off-farm income. This seems to have changed recently when a statement came from the ministry that if it was done by a farmer who owns and operates his own farm, his custom work is now farm income. So there is a great deal of confusion.

The Ontario Federation of Agriculture made some very strong recommendations recently to the Treasurer, the Premier and the Minister of Agriculture and Food—strong suggestions that it was prepared to accept a 10 per cent reduction from the money extended last year, which was approximately \$167 million, to the farm tax rebate. The reason it has gone up so extensively was touched on by a number of my colleagues who spoke before me. The Ministry of Education has reduced the funding of education, and the Ministry of Municipal Affairs has flat-lined grants to municipalities. In order to maintain or keep up the kind of service wanted by the municipal people and municipal leaders, our school board trustees and, indeed, the entire school system, very substantial tax increases had to occur, and they did; in the area I represent, there was a 17 per cent increase just to maintain a system of education and, in fact, certain programs had to be actually cut back.

That is why taxes at the municipal level, covering both municipal expenditures and school board expenditures, had to be increased quite extensively. The Treasurer says, "This \$167-million farm tax rebate is too rich; it is costing our government too much and, therefore, we will cut it back to \$140 million." The Ontario Federation of Agriculture did make some recommendations; it was quite prepared to accept a 10 per cent reduction, which would have been \$16 million. However, the Premier, the Treasurer and the Minister of Agriculture and Food would not have any part of it.

**Hon R. F. Nixon:** We want the farmers to get it, not the big capitalists who earn money off the farm.

**Mr Villeneuve:** The interesting thing is, if that is what the Treasurer was aiming for, he missed the target completely, because we have farmers who do rent from the so-called capitalists that the Treasurer suggests own farm land, and yes, the farmer was actually getting a break on the rent. The interesting thing is now we have a means test—a means test that none of Ontario's agriculture is happy with.

I ask the Treasurer, what is it going to cost to administer this famous means test and to see if all



the i's are dotted and the t's are crossed? We are going to run into a fairly extensive expenditure at the provincial level just to see if the information that is collected from the farmers out there is accurate. And Lord only knows, we may have to face a whole bunch of enforcement people from the Ministry of Agriculture and Food to see how accurate this is.

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**Hon. R. F. Nixon:** Farmers always tell the truth. You know that, Noble.

**Mr Villeneuve:** The farmers always tell the truth, I am sure. However, why have this if it is not going to be verified? It is a bit redundant, is it not? The interesting thing is, why have it or impose it, if there is no enforcement? Interesting.

The Ministry of Agriculture and Food last year, with a lot of pomp, ceremony and fanfare, underspent by \$57 million moneys that were budgeted for the ministry and supposedly to go to Ontario's farmers and the agriculture industry. It was the only mainline ministry that suffered a more than 10 per cent reduction in money that was budgeted but never spent where it was intended and supposed to go.

We had our fruit, vegetable and cash-crop producers on the lawn of Queen's Park here several months ago trying to get a message across to the previous minister that in 1988 they did suffer extensive drought problems, particularly in south-central and eastern Ontario, but the minister of the day and the government did not recognize that and did not contribute to support for the drought relief program in 1988 for the cash-crop, fruit and vegetable growers, in spite of the fact that they had \$57 million of unspent dollars that went to other ministries. That, I think, in a nutshell sums up the priority or the lack thereof that this government is providing to Ontario's agriculture.

In the eastern Ontario section that I represent, we have a municipality that has run into some problems. I have touched on it with the Minister of the Environment, and I have also questioned the Minister of Municipal Affairs (Mr Sweeney). It is a municipality known as Charlottenburgh; it has a sewage and water treatment system in place. When I represented that area in 1984, prior to redistribution, the project was on the rails at an anticipated and estimated cost of \$2.6 million; that was pretty heavy, but it was inevitable: there were major problems, major pollution problems and water quality problems.

We now have a system in place, some five years later, a system that has cost three times what was anticipated. We are now up to \$7

million, and I say to the Treasurer, we have a very serious situation in that particular municipality. We have tax arrears in Charlottenburgh, particularly in the area of the Purcell Road subdivision, where this problem is being faced; 28 per cent of the residents and land owners are presently in arrears. What they are faced with is a 300 per cent to 500 per cent increase in municipal taxes.

I say to the Treasurer, as I have said to the Minister of Municipal Affairs and the Minister of the Environment, there must be a form of aid program, a once-in-a-lifetime shot. We have to realize that this was not the municipality's doing in any way, shape or form. However, we have many houses for sale, but we have no buyers. The Ministry of Municipal Affairs at present is actively looking into that situation, and I say to the Treasurer that we must provide some financial support to the residents of the Purcell subdivision.

Moving along to conservation authorities, I am proud to have three conservation authorities partly in the riding I represent. There is a problem with the South Nation Conservation Authority in that we have to rechannelize one of the tributaries to the South Nation River. It is mostly in Matilda township in Dundas county, where we have 12,000-plus acres of tile-drained land—and the Treasurer would know all about that—and we have a situation where the tiles are silting in simply because channelization has not occurred. Under the conservation authority's mandate, it is not a threat to life and limb. However, it is very definitely a threat to support and farm income. It is deteriorating much more rapidly than should occur in that the tile drainage systems in place are silting in.

We have had a number of meetings with the Ministry of Agriculture and Food and the Ministry of Natural Resources. The problem is that no one seems to want to take the initiative. Yes, we are talking about a considerable sum of money. However, the benefits would be probably fourfold; in other words, for every dollar spent one would be getting back \$4 of benefit. I say to the Treasurer, it is a project that must be looked at, it is a project that would probably be stretched over two or three years and it is a project that must be supported by at least two ministries, Natural Resources and Agriculture and Food.

We have a problem also with the Ministry of the Environment in that I have had at least a half a dozen business people who have applied to that ministry to have an anticipated project simply

okayed. Let us say a sewage system is awaiting the green light from the Ministry of the Environment so that the owner can actually install the sewage disposal system, the septic system, or whatever, at no cost to the government of Ontario. It is simply a matter of having the ministry officials look at the plans, provide the additional technical advice needed or the asked-for technical adjustments in the project. But right now these are facing waiting periods of six to eight months.

I know of one situation where one of our larger businesses in eastern Ontario had to pay to have a septic system pumped out on a daily basis for over six months, while waiting for an okay from the Ministry of the Environment.

I know the Treasurer is aware that the number of civil servants has increased very dramatically over the last four years. As a matter of fact, it has increased by more than 12 per cent from what it was in 1985 to what it presently is. If we are going to increase the number by this type of volume, we at least need these people in the strategic areas that will allow our business people to conduct or expand their businesses, to install septic systems and whatever, to put them in place. I do not believe that six to eight months of waiting is reasonable, particularly when it is only to obtain the green light.

Funding for education, I touched on earlier; it certainly is an area where I believe this government has disappointed the public of Ontario. This government has built up anticipation that funding would go to 60 per cent of the total cost of education, and yet we are still somewhere in the 42 to 43 per cent range and likely to drop some more, as opposed to increasing. I am privileged to be a member of the select committee on education, and we will be making strong recommendations to the Minister of Education and to the government of Ontario oriented towards bringing equity and equilibrium back to the funding of education in this province.

The Ministry of Agriculture and Food, as I was saying earlier, has cut back its support for agriculture quite extensively. I was a participant at a clean air management program here in the city of Toronto last week where the production of methanol-ethanol gas was discussed at some length. The benefits would be that it would not only result in a cleaner environment, a considerable reduction in carbon monoxide in the air, particularly in major cities such as Toronto, but also provide a ripple effect to agriculture.

As the Treasurer is well aware, we have a lot of corn going to market right now in Ontario at very

soft prices. If methanol-ethanol were to be utilized for up to 10 per cent of the fuel used in our internal combustion engines in our cars, we would create not only a much cleaner environment, but we would be preserving the ozone layer, reducing carbon monoxide, and we would also be providing an alternative use for some of our grains that are produced in Ontario.

The amazing thing is that when we produce alcohol from grain—corn, for instance—we can go to the areas with less heat units, where one year in five we have inferior-quality grain, grain that may have some mould or some microtoxins, but the actual distilling process destroys these undesirable elements and produces an alcohol that is safe to burn in your vehicle, to be mixed with your regular gas as an octane enhancer. Indeed, what it winds up doing is providing additional income and stability to our agricultural community.

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I think it is a project that is very, very worth looking into. I do not believe it would cost the government of Ontario a great amount of money to promote the production of a blended gasohol—methanol, ethanol, conventional gas. I can see no negatives. The actual cost of the product would not be any more expensive than our regular fuel at some 52 or 54 cents a litre, as it presently is in the area of Ontario I come from.

Municipal spending has been flat-lined, as I mentioned earlier. I found it most interesting when the federal Liberal members of Parliament visited the city of Cornwall recently and actually sent a very clear message to the government of Ontario. Remember, these are Liberals at the federal level. They recognized that municipal infrastructure is being totally ignored by the government of Ontario. Their recommendations, believe it or not, were that the federal government should be providing funds. They did not say where the federal government would get these funds. However, they certainly recognized clearly and distinctly the fact that the province of Ontario, whose responsibility it is to fund municipal infrastructure, roads, sewage, garbage disposal, etc., was not doing its job.

Another area of what should be co-operation between the federal and provincial governments is the proposed goods and services tax, a tax that none of us likes and that none of us likes to talk about, except we find that again Liberals, both provincially and federally, are trying to make political hay.

Here in Ontario we have a tax collection system in place for the provincial sales tax,



which incidentally was increased by the same Treasurer to eight per cent. I believe that down in his heart the Treasurer knows that yes, we should have an extra line on that provincial sales tax form that would look after any anticipated or future goods and service tax at whatever level it happens to settle in at, be it nine per cent, seven per cent or something other.

However, I think the advice from the second floor corner office, which is referred to and is the Premier's office, has said, "This is not a good political game plan. We have to play a bit of political gamesmanship here and get up and speak against the GST. We know the popularity of the GST is very low. We are not going to supply you with alternative means of getting in tax money. We are simply going to jump all over you." Of course, politically it has worked and we have seen some polls. However, I say to the Treasurer that co-operation is what we need in this regard, not additional civil servants, be they federal or provincial. We are already overburdened. I am glad to see the Treasurer, I think, nod in agreement with that.

Finally, I want to re-emphasize the fact that municipalities are going through some very difficult times, with responsibilities that have traditionally and normally been those of the provincial government transferred without consultation, without funding and without even much prearranged warning to the municipalities. The provincial government has simply said: "It's your problem, guys. Get along with it."

In summary in this debate on interim supply, I say to the Treasurer that he had no hesitation in adding one per cent to the sales tax last May, almost a full \$1 billion more income to the province. The budgetary income of this province will be in the area of \$42 billion, yet we still have an annual deficit. We did not quite balance and it makes us all wonder, when indeed in good times we cannot balance our budget, what will happen when the tougher times come along?

It has been a pleasure participating in this debate. I say to the Treasurer that in the last budget that \$5 tire tax to retailers in eastern Ontario was bad medicine indeed. We have many people going to Quebec to replace the tires on their automobiles, or they can go to New York state; both areas are less than a half-hour's drive from anywhere in the riding I represent.

I say in summary that the Treasurer may well be against the GST and a number of federal initiatives. However, I think he has to look at his own house first and what has happened recently.

**Hon R. F. Nixon:** I want to respond briefly to the honourable member's comments. I want to congratulate him actually for using specific cases. I believe that in the voting of supply traditionally it is an occasion where the honourable members exercise their right to bring a petition before the government, or at least an objection before the government on specific expenditure programs.

I would not say his colleagues in either opposition party have not done that, but the lengthy debate about the employees health tax is supposed to be on second reading of that bill which will follow interim supply when it is completed later in the week. I feel there is a certain duplication and therefore a waste of the valuable time of the House. I do not know how we can do much about that, but certainly we have to give some consideration to it.

The honourable member made specific reference, as is appropriate and expected, to the funding of agricultural programs. The honourable member would know that we are expected to spend this year \$527 million in general for agriculture, and once again while he and other thoughtful people might say this is insufficient, still it does give us a broad range of programs that support agriculture in this jurisdiction.

He would be aware that special funding was found in support of the farmers who lost their crops or their ability to produce crops this year because of the unnatural wet weather, and there is the fact that we have joined with the government of Canada in rather awkward circumstances, precipitated by the government of Canada, to see that drought relief based on the problems a year ago is payable to the farmers in the province.

While these things do not always go smoothly, they are associated with changes in agriculture. I just draw the honourable member's attention to the wine business and the tobacco business where we have many hundreds of thousands and millions of dollars associated with the dislocation that we know of in those markets.

**Mr McLean:** I just want to comment briefly on my colleague's statement here this afternoon addressing the \$5.9-billion budgetary process, the approval this government is looking for. I want to compliment my colleague on the three main issues that I see he raised with regard to the farm tax rebate, education and municipal transfers.

When we look at those three areas, the government has actually cut back on what the farmers are going to receive. I do not know how

they can expect farmers to stay in business when they are giving them less money than before. The farm tax rebate was due to the school educational portion of their taxes. That has not seen the eye of the Treasurer who I am sure meant in the first place—I know he has the doings of changing that farm tax rebate.

I also must say that I am sure this is the very government that indicated it wanted to fund education to 60 per cent. Here it is asking for more money. They want to spend about \$6 billion with this warrant and here they are cutting back on the educational costs.

Not only that, but they also took the opportunity to flat-line all of the municipal transfer payments. I understand they are announcing about \$2 billion for 1990, so that is for the year 1990-91, but for 1989-90 that did not happen.

**Hon R. F. Nixon:** I don't call 8.4 per cent flat-lining.

**Mr McLean:** My colleague brought those issues out. I know the Treasurer would want us to remind him of those budgetary processes that he has in place, with the cutbacks that have been made and the increased taxation they have put on the people of this province, with about 38 tax increases in the last four years.

It is all right for them to talk about the GST, but I suggest they should have their own house in order. If they want to cut back on expenditures here in the province, the 8,000 people that they hired could have not been hired.

**1700**

**Mr Villeneuve:** To the Treasurer, last year the anticipated expenditures for the Ministry of Agriculture and Food were \$579,691,000. The actual expenditures were \$522 million, a difference of almost \$57 million. The Treasurer is down into the low \$500 millions this year. If it is cut back by 15 per cent again, we will be down to where he is really not funding any of the very worthwhile projects of the Ministry of Agriculture and Food.

I want to thank my colleague the member for Simcoe East (Mr McLean) for also reminding the Treasurer of some of the things that really did happen, the flat-lining of municipalities, etc. One thing I neglected to mention that has been brought to my attention on a number of occasions, as I am sure it has to the Treasurer, is the new special occasion permit fees. I tell the Treasurer that for some of our service clubs, Lions clubs, what have you, at \$60 for a social sale permit, I really do not know how these people who are fund-raising out of communities will be able to cover this.

The application for filing a fee-for-licence application requiring a public meeting to publicly licence premises is now \$775. The application filing fee for licence applications not requiring public meetings is \$650, and licence issuing fees are \$225 for two years. These are all costs that have not only quadrupled; in some instances have gone up by 10-fold.

It is an area that is of grave concern to those people in rural Ontario. Particularly when we look at fund-raising activities that include a special occasion permit at \$60, it is almost intolerable for some of our small community-minded service clubs in rural Ontario. I think it is a shame, and it was never even debated.

**The Acting Speaker:** Is there any further debate on the motion?

**Mr Charlton:** Thank you, Mr Speaker. I will take the opportunity as well, as some of my colleagues have done, to congratulate you on your new role in this chamber. I almost got around to doing that twice last week, but you left the chair before I managed to get to my feet, so we will take that occasion and wish you all the best and hope that we are not overly hard on you in your new role.

To the Treasurer, I have a number of comments to make this afternoon, but the comments that he ended off his last response with are perhaps a useful place for me to start because it was something that I had forgotten about for a few moments while I was preparing my comments for this afternoon.

The Treasurer commented, in response in that final exchange, about 8.4 per cent not being flat-lining. I think it would be useful if the Treasurer were to stop and approach some of his colleagues in the cabinet about what they have been forced to say to the various groups they serve as a result of his budget of last spring.

Specifically on the issue of municipal grants and flat-lining, perhaps the Treasurer should take the time to look at the opening statement of the Minister of Municipal Affairs in his estimates just last Tuesday, where he was being very apologetic about his understanding of the hardship that was being imposed on the municipalities in Ontario as a result of the action of this very Treasurer. I think it might be worth while, instead of just getting up in this House and blindly defending what he has done and denying any adverse effects of the decisions he has made, if he took the time to at least know what his colleagues are saying out there in the real world to those they are required to serve.



Having said that, it was also interesting to note that earlier this afternoon, in response to a question during question period around the issue of the goods and services tax that is proposed at the federal level, the Treasurer made reference that the provincial treasurers across the country had been directed by the premiers to look, in their own provinces, at the economic impact, the consequences of the GST proposal, and that this had been done and that those studies had been compiled into a document which had been provided to the 10 premiers.

That study will be an interesting one for us to see here in Ontario, and I guess, for that matter, in every province across the country. Having said that, it might be useful if the Treasurer were to provide to his own Premier and to this House an economic analysis of the basic impact of the last four Liberal budgets on Ontario. As members will recall, those budgets, as I recall it, have wrenched about an additional \$4 billion or \$4.5 billion out of the pockets and purses of the residents of this province. It would be interesting to see the Treasurer, instead of just spending his time doing a theoretical study on the consequences of the GST in the future, look at a serious economic analysis of the impact of his past four budgets on the economy of this province.

**Hon R. F. Nixon:** Fastest rate of growth in our history; lowest rate of unemployment in the last two decades.

**Mr Charlton:** The fastest rate of growth in our history. It would be interesting to know, for example, how much the Treasurer has contributed to the escalation of real estate values in the city of Toronto. Perhaps that is why he is not interested in a land speculation tax, because of knowing and understanding what the consequences of that might be for his Treasury. Taxes that do not work, as the Treasurer likes to call them, are taxes that do not collect a lot of money because they have an impact out there in terms of stalling speculation in land.

Back more specifically to the question of interim supply and the budget that creates the need for supply here this year, the Treasurer also made reference a few moments ago when he was responding to the member for Stormont, Dundas and Glengarry that he thought there was a lot of duplication going on, that some of the taxes that were being discussed this afternoon are going to be discussed later this week.

Mr Speaker, you understand the process around here. The Treasurer brings in a budget, a budget that imposes taxes and that imposes tax increases in the case of the taxes we are talking

about here, or the creation of new taxes, but the Minister of Revenue introduces the legislation and brings that legislation into the House for debate. The Treasurer, in most instances, will not be here when we debate the payroll tax later this week.

**Hon R. F. Nixon:** It is not my bill.

**Mr Charlton:** That is right, but the Treasurer is the one who created the problem even though he is not carrying the legislation.

**Hon R. F. Nixon:** You are supposed to debate it in the budget. We have rules to accommodate all you irrational people.

**Mr Charlton:** When was the last time we had a budget debate in the House? When was the last time the government House leader scheduled budget debate in the House?

**Hon R. F. Nixon:** What are you doing now?

**Mr Charlton:** I am speaking on interim supply because I have not had an opportunity to speak on the budget.

**Hon R. F. Nixon:** But you are not containing yourself to the issue.

**The Acting Speaker (Mr Cureatz):** Order, please. We will only remind the Treasurer that it is up to the Speaker to decide whether the honourable member is containing himself to the issue and I think he was doing a good job.

1710

**Mr Charlton:** As I have just suggested, I am essentially speaking here this afternoon because I have not been afforded the opportunity by this government to make a speech directed at the budget. I have a number of comments that I made to the former Minister of Revenue and I will make them to the current Minister of Revenue in terms of some of the tax bills that we have to deal with emanating from that budget, but I am going to raise those same issues here today because I am going to raise them with the person who created my concerns.

I see the Treasurer just had a comment from his former Minister of Revenue and he will most assuredly—

**Hon R. F. Nixon:** He says he has heard it all before.

**Mr Charlton:** No, he has not heard all of this because we have not dealt with all these matters yet.

Let's start out with the part he has heard but which the Treasurer has not. The Treasurer is aware, for example, that I spent a number of years—four years as a matter of fact—as our caucus's Environment critic and I listened to the

Treasurer makes his budget speech last spring where he introduced the new tire tax; \$5 a head on tires regardless of the value of those tires and regardless of the ability of the purchaser to pay it.

The Treasurer introduced that tire tax, members will recall, as an environmental tax and he stood in his place in this House and talked about the tires that continually get strewn in the ditches down the side road beside his farm. He said he was imposing this tax in order to clean up that mess of tires out there in the province of Ontario. On the other hand, when this caucus and the Progressive Conservative caucus stood together and proposed amendments to that tire tax legislation, asking that there be set up a specific fund into which the tire tax would go and that the fund be restricted in its use to the cleanup of used and discarded tires in the province, what was the response of the government of the day and of the Treasurer in question? The response was a refusal.

They said: "No. Trust us. This is an environmental tax. It is going to go into the general revenue fund. You will never be able to find out whether we use a single dollar of this tax to pick up a single tire in the province of Ontario, but trust us. We don't need to set up a specific fund."

As somebody who has spent four years as the Environment critic for my party would know, I know that not only was this tire tax unnecessary as an environmental measure in the province of Ontario, but if this Treasurer had half a brain in terms of environmental issues, if he had taken the time to talk to some of the environmentalists in this province who have made proposals around things like the use and recycling of used tires, he could have put in place a useful program in the province to recover and reuse those discarded tires and he could have made money for the province in the process.

At the same time, he would not have needed to impose an unfair and uneven tax on those who will likely make the wrong decisions as a result of that tax, those who are perhaps on very tight incomes and whose tires are wearing thin and need replacing, and with the additional charge of \$20 over the cost of the four tires for their car, they may be deterred from buying new tires and in the process endanger themselves and perhaps somebody else along the way.

But instead of imposing that tax, this Treasurer could have taken the initiative, along with the Minister of the Environment, to set up a program of recovery, recycling and reuse of those discarded tires and could have made money for the province in the process and saved the

taxpayers money all at the same time. But this Treasurer does not take the time to find out what his colleagues are even saying publicly about the taxes he imposes, let alone what alternatives there might have been to some of the measures he has taken in this budget.

We all recall the debate that went on in this Legislature a year ago around the increase this Treasurer imposed on the Ontario sales tax, when he increased the sales tax from seven per cent to eight per cent. We heard earlier, Mr Speaker, some of your colleagues in the third party making reference to the goods and services tax and a number of the other taxes this Treasurer has imposed provincially and the impact of those taxes on municipalities, on school boards, on university administrations, on public hospitals, where all of those kinds of public crown corporations and public institutions will have to pay additional dollars as a result of taxes imposed by the province of Ontario and taxes proposed by the government of Canada.

I recall back in 1981-82 when the predecessor government, the Conservative government, was making significant changes in the retail sales tax in Ontario in two successive budgets and the current Treasurer, when he received letters from the universities, the municipal corporations and the hospitals in this province, stood up in this House and decried any action that would be taken by the provincial government that would impose additional tax burdens on these hard-pressed public institutions, our municipalities, our school boards, our hospitals.

Do you recall those debates, Mr Speaker? I certainly recall them and I think deep down in his heart, even the Treasurer of Ontario recalls those debates. But he has become so caught up, so caught up in the rhetoric of balancing the budget as quickly as possible regardless of the impact of the action and regardless of the result on other public institutions, that he has forgotten the relevance and the correctness of his words from 1981-82.

In the latest poll, 88 per cent of the people of Canada are opposed to the federal government's proposal for a goods and services tax. I think it was 88 per cent; it was over 80 per cent anyway. Why, we ask, are so many people opposed to this federal proposal when here in Ontario we have a Treasurer who does precisely the same kinds of things with tax policy and does not, for whatever reason, seem to feel that kind of wrath.

I guess the answer is quite simple. The federal government, and most of us, I think—I am not sure about your position, Mr Speaker; I will not



push you to give us your position here since you are neutral in the chair this afternoon—most people in this country obviously oppose the goods and services tax proposed by the federal government as an unfair and unworkable tax that will add to inflation, that will hurt the poor and low- and middle-income people in Canada, and that is precisely the kind of thing this Treasurer has done consistently in four out of four budgets now.

The only difference is, I guess, however you look at it, the federal government has attempted to do it all in one package, which is up front as one package for debate, one tax. You can either sell it to the public so people know what they are getting or the public is going to force you to withdraw the proposal because people do not buy what you are telling them is a good and fair way to tax.

What this Treasurer has chosen to do in the province of Ontario is nickel-and-dime every unfair tax he can find, but never nickel-and-dime any one of those taxes enough to get the entire population up in arms. He does a little bit on retail sales, but he does not feel in the second year he can do it again so he creates a tire tax. When the tire tax is not enough, then he charges fees to Ontario Hydro for the debt guarantee.

## 1720

All of those things that have been done in this budget and the last budget in Ontario add up to precisely the same unfair approach to taxation that is reflected by the goods and services tax proposed by Ottawa. Let's talk about a couple of them for a minute. Firstly, let's talk about the fees that are going to be charged under the Power Corporation Act to Ontario Hydro in return for the provision by the province of Ontario of debt guarantee. Let's understand what it is that we are talking about that we are charging Hydro for.

The government of Ontario provides a debt guarantee to Ontario Hydro. Should Ontario Hydro ever go broke, any debts which are outstanding by that corporation would be assumed by the government of Ontario. What does that mean? What is the government of Ontario? What does the government of Ontario represent? Who is it that provides the debt guarantee? Is it the Treasurer? Does he provide the debt guarantee? Is it the Premier? Does he provide the debt guarantee? We all know that is not the case. If Ontario Hydro goes broke, it is not the Treasurer who is going to pay Hydro's debt and it is not the Premier either. It is the people of Ontario who are going to pay Hydro's debt.

The people of Ontario are going to pay the debt if Hydro goes broke, so who is it that is providing the debt guarantee? It is the people of Ontario who are providing the debt guarantee. So what does the Treasurer of Ontario do? He brings in legislation that says Hydro is going to have to pay the government of Ontario for the debt guarantee which the people of Ontario provide to Ontario Hydro. Who is going to have to pay this cost that is now being charged by the government to Hydro? It is the people of Ontario, of course, because they are the ones who buy all the hydro. So the people of Ontario are going to be asked to pay for the debt guarantee that they provide to Ontario Hydro.

Is that not the ultimate gall, when a Treasurer, a tax collector, charges people a tax for something they provide for free? That is probably the most unfair and ludicrous approach to taxation that anybody anywhere has ever dreamed up. Charge yourself a fee for something you provide for free. That is taking us right to the very heights of new tax thinking, and I guess it is a reflection of the progressive reform nature of the Liberal Party. Perhaps next we will start to tax all the volunteers who work at our hospitals or in our mental health centres or for the United Way and the Heart and Stroke Foundation and all the rest of those charities out there in the province of Ontario. Maybe we will start taxing them on the value of their charitable contribution in time to that charity. It is analogous to the same thing.

If we are going to charge the people of Ontario for the guarantee they provide for free to the province of Ontario, what kind of indication does that give us of the direction this Treasurer and this government are heading down the road? It makes no sense and it has no end, unless somebody stands up and says: "Hey, we made a mistake. We did not understand what we were doing, and we have changed our minds."

Let's talk for a few minutes about the payroll tax. All of the Liberals that I have associated with in my life have never gone quite as far in terms of tax policy as the NDP goes, but they have always at least talked about tax fairness. Let's talk about the payroll tax for a minute and talk about it in the context of fairness versus unfairness. OHIP premiums are unfair, so let's eliminate them. Presumably when you eliminate something that is unfair, Mr Speaker, you want to replace it with something that is fair.

What do we replace it with in Ontario? A payroll tax. What does a payroll tax do? In the case of the legislation that has been introduced here in this province, payroll tax does three

things. One, it charges you tax based on the size of your gross payroll; not the number of people you employ, the size of your gross payroll. What does that represent? Gross payroll represents dollars, not people.

So we have two employers out there, both with very similar operations, both with roughly the same profit picture each year, both with the same number of employees, one who pays the minimum wage, \$5 an hour to that number of employees, the other who pays \$10 an hour to the same number of employees. So we have one employer who makes as much money as the other company, he could afford to pay more in wages but he pays only \$5 an hour, and the second company that is paying \$10 an hour is going to pay right off the top double the payroll tax for OHIP that the exploitive employer pays; double what the exploitive employer pays.

So who is it that this payroll tax benefits? Those out there in the employment world who exploit. What do we do to make it even worse? We put a graduated scale on the tax. But how do we graduate the tax? We graduate it to gross payroll, of course, because the tax is based on gross payroll. So, all of a sudden, with two employers with roughly the same profit picture but one having a gross payroll only half the size of the other, we find that not only is the exploitive employer, the low-wage employer, going to pay only half the payroll tax because his wage bill is only half, but then to top it all off we give him a bonus of a lower tax rate because he fell under the step down in the graduated structure.

This is really going to encourage fairness out there in the wage sector, is it not? This is really going to encourage employers to pay good wages in Ontario. This is really going to help us as a province to see the prosperity we have always dreamed about become a reality for all of those people in the province who go to work and work their 40-hour week and would love to be able to buy a property and live a lovely, happy family life in Ontario. These are the kinds of decisions that are really going to promote and help that along the way, are they not? That really makes a lot of sense to me.

But one can take the debate around the payroll tax a lot farther. My colleague the member for Rainy River (Mr Hampton) made a number of comments about all of the private income which will avoid the payroll tax altogether. These are the very same people, I remind you, Mr Speaker, who do not pay any federal income taxes in large part because of the tax advantages they already have and who do not pay any provincial income

taxes because the provincial income tax is based on the consequence of the federal legislation.

### 1730

Now this province is setting up another tax, and most specifically a health care tax, which they are also going to be able to avoid because as individual professionals, they have no payroll, or if they do, it is a very small payroll. As my colleague suggested, you have a doctor with a fairly significant personal income, but he only has one nurse and/or one nurse and one receptionist or a part-time receptionist in his employ, and all of the money that goes through that operation or the vast majority of it avoids the payroll tax and avoids, therefore, a fair contribution to the health care system in the province of Ontario.

We agree that something had to be dealt with in terms of replacing the OHIP premiums. We do not agree that the payroll tax was the appropriate way to answer that question.

If you look for just a moment at the payroll tax and the other alternatives the Treasurer had, like the corporate income tax, for example, and why the Treasurer chose not to go the corporate income tax route but instead to impose a payroll tax—and I want you to think about this, Mr Speaker—it is because if we had gone the corporate income tax route in the province of Ontario to pay for the cost of the OHIP premiums that we were eliminating, it would have pushed the corporate income tax rate in the province of Ontario to the highest corporate income tax rate in Canada, and the Treasurer did not want that kind of record on his back.

On the other hand, we claim with this payroll tax to be ripping the same dollars out of the same sector. The only difference is we are not doing it in as fair a manner as we could have under the corporate income tax. Again, it is part of the game of shuffle and hide. You do not want people to say that Ontario has the highest corporate income tax rate in Canada, so you find another way presumably to get it out of the corporations. Unfortunately, that other way, so that it does not go on to the corporate income tax ledger, was a way that was far less fair in terms of the ability of corporations in this province to pay that levy than any other approach that could have been taken.

In winding up, my comments to the Treasurer are simply this: He has been here in this Legislature for a lot longer than I have, but I have been here long enough to have listened to him on enough occasions to suggest to him that it is time that he reached back into himself and touched his



roots; time that he sought out the things that he expressed for so long in this House year after year after year, and time that he lived up to the commitments that he made so often to the people of Ontario, commitments that for four consecutive years in a row now he has deserted, commitments that for four consecutive years in a row now he has not only deserted but denied.

It is time that the Treasurer of Ontario came to terms with his past and himself for, as we all know, he is talking about retirement. His time around this place will not last much longer and it is time he come to terms with himself so that he can retire in comfort with a clear conscience.

**Hon R. F. Nixon:** I wish there was something I could do with that mixed metaphor my honourable friend was elaborating to the House just a few minutes ago. That is one of the best. The more I try, the more I realize had better not.

I was glad to hear the member for Hamilton Mountain (Mr Charlton), who has been around a while also—as a matter of fact, he was around here when the budget was considerably less than \$26 billion, which it was when we took office. Perhaps I should not say this in such a loud voice with so many members of the House present, but it is over \$41 billion now.

While the honourable members may be able to make speeches, and in fact have been and will, about how badly that money is all mal-administered and wasted, in fact most of the growth has gone to the provision of health services, hospitals and doctors, with the rate of increase in the hospital sector not as fast as the rate of increase in the medical sector, but that has gone from about \$8.5 billion to close to \$13 billion in those four years.

The support for education—while, just like the support for medicare, seriously insufficient as far as the opposition is concerned—has already been referred to in the remarks I made following one of the previous speeches. The revenues available to the government have gone up rapidly because of the growth in the economy and because of three expansionary budgets—I will use that adjective if members do not mind—but the funds have gone not in support of anything that I consider wasteful but in the provision of social and economic services to the province which reflect in the historic rate of growth that we have experienced in the last four years in which I have a great deal of pride.

**Mr Callahan:** I would like to comment because I think the Treasurer makes a statement that is very significant for my community, in the fact that when we took office in 1985 there was

very large growth in my community but very little being done about it. I am pleased that for the first time, I guess, in the history of government, it has been recognized that Peel was a fast-growing community, as with a few other areas.

I am very pleased that the moneys that were provided, particularly for education, although as the Treasurer said not enough yet, but certainly within the framework of the historical past, were megabucks, and I am grateful for that. I thank the Treasurer and I thank my government for it. I also thank them for a number of other areas in terms of health care and so on.

**Mr Breaugh:** This won't get you in there either, Bobby.

**Mr Callahan:** I am not trying to get in there, Michael.

**Hon R. F. Nixon:** We want a lot more Liberal speeches in here.

**The Deputy Speaker:** Order, please.

**Mr Callahan:** What I think is important is that we recognize, and I am sure the people of Ontario who are watching us recognize this, that when you have a budget in your own home, you cannot cry both ways. You cannot say, "Don't increase taxes," or "Don't increase this," and "Spend more money on this." It does not make any sense. I think the people out there watching on television are eminently well guided in that regard. They recognize that the cries from the opposition are: "Don't increase that, but spend more on this."

I would like to know where the economic values of the member's party have come from in that it can possibly understand how to do that. If the member has got a secret that I do not know about, I would like him to tell me about it so that we can inject it into our family budget.

**Mr Charlton:** I would like to respond to the member for Brampton South (Mr Callahan). He has a very distinct problem. He only listens to what he wants to hear. I very specifically got up here, for example, when I was making reference to the payroll tax, and not only said that I thought the payroll tax was wrong, but also what I thought the Treasurer should have done to raise taxes to pay the same bill.

So, yes, the member is right. When we are providing services, they have to be paid for. I suggested that if the Treasurer had the courage, he would have paid the cost of those OHIP premiums out of the corporate income tax and not set up a new tax to fudge the issue. That was what I said. I understand that. I just suggest that in future if the honourable member wants to make

comments on speeches he should listen to them first.

1740

**Mr Runciman:** In the brief time I have available to me, I would like to touch on a number of subjects. The first one, of concern to you as well, Mr Speaker, is eastern Ontario. I think you will agree that the Liberal attitude towards eastern Ontario is summed up in that old saying, "Out of sight, out of mind." There is no question that Peterson's Ontario seems to encompass only the territory that can be seen from the observation deck of the CN Tower.

Even a brief examination of this year's throne speech, the budget and the cabinet shuffle, I think confirms to any observer that the Liberal government assigns a very low priority to the eastern Ontario region, its problems and its interests.

Interjection.

**Mr Runciman:** If members look back—I will get into the cabinet shuffle a little later. I am sure the member will be interested in hearing my comments on that.

We talk about the one new program this government has brought in affecting eastern Ontario in the four and a half years it has been in office. It is something called the community economic development program, which is supposed to assign \$25 million to what they define as "eastern Ontario" for a five-year program. That definition goes up into Peterborough, which in my way in no way is part of eastern Ontario.

As far as the Liberals are concerned, Mr Speaker, and again I am sure you are going to agree with me, eastern Ontario is simply that area the Premier has to fly over or drive through on his way to Quebec where his good friend Mr Bourassa will say nice things about him and encourage him to move to Ottawa.

If we take a look at this \$25-million program and take a look at what—by comparison, there is the \$23.8 million that this Treasurer assigned in the last budget to the Ontario Film Development Corp and the Ontario film incentive program. In effect, what has happened is that this Treasurer has assigned more to the movie business in one year than to the economic development program in eastern Ontario for five years. That says an awful lot about this government's priorities. It is more interested in giving money to Mickey Mouse than to Morrisburg.

Interjections.

**Mr Runciman:** That is a reality. I know it hurts.

**The Deputy Speaker:** Order, please.

**Mr Runciman:** There are a couple of other things.

Sewage treatment: This is an important issue, as you know, Mr Speaker, as my colleague knows. Anyone representing an eastern Ontario is very much familiar with the problem where we have development freezes in place. We have the government saying: "You have to do significant things with respect to upgrading your sewage treatment facilities, but we don't have any money for you. We don't have any money for you regardless of the fact"—as the Treasurer made reference to earlier—"that there is more in taxes now than in 1984-85." I think it is a \$15-billion increase—is that the right figure?—a 101 per cent increase in the tax take since they assumed office; \$41 billion in budgetary revenues but there is no money for upgrading sewage treatment facilities in eastern Ontario.

There is no problem finding \$30 million for a domed stadium in downtown Toronto. There is no problem committing close to \$70 million for an opera centre in downtown Toronto. But they cannot find \$1 million for a sewage treatment facility in eastern Ontario. Where are its priorities? It does not care about eastern Ontario and the facts make that very clear.

I want to talk briefly about the cabinet shuffle. I think this has some bearing on how this government feels about eastern Ontario as well. We now have four cabinet ministers who supposedly represent eastern Ontario. Two of them are in junior portfolios, and as for the other two, there is the Minister of Mines (Mr O'Neil) from Quinte, who as Minister of Tourism and Recreation sat by while the government shafted the tourism industry in its last budget. He has been duly rewarded by being appointed to the portfolio responsible for shafts, the mines ministry.

We certainly had an active and ardent regional crusader in the gentleman sitting over here and he was one of the unfortunate ones bumped out of cabinet. We have the Minister of Education who has suggested to me—

**Mr Grandmaitre:** On a point of order, Mr Speaker: I am not used to this good news from the member for Leeds-Grenville.

**The Deputy Speaker:** That is not a point of order.

**Mr Runciman:** If the member for Ottawa East is offended by my calling him a good cabinet minister, I will withdraw those remarks.

We are down to the member for Renfrew North. Although we have been around this place



for some time and respect that gentleman's abilities, I think that in no way, shape or form can he be described as an ardent regional crusader. He just is not. Quite bluntly, we lack regional clout around the cabinet table. That is the bottom line. Eastern Ontario residents are going to have the opportunity to turn the tables in the next year or two. We are going to put the Liberal government out of sight, out of mind and out of office.

I want to touch on a couple of other subjects very quickly.

We talked about auto insurance and we had the Treasurer make a comment earlier in response to one of the speakers that he feels quite comfortable with the spending practices of this government. He feels there has been no waste during his tenure as Treasurer.

That is indicative of this government with respect to no shame, no embarrassment whatsoever. They get up and put on this brave face, "We feel very good about everything we have ever done in the past four and a half years." We all know that is not the case.

I would like to hear the Treasurer make reference to the over \$10 million that he and his colleagues have wasted on this auto insurance debacle over the past three and a half years. Let's hear him talk about that. Let's hear him make reference to the total waste of taxpayers' dollars on this sham.

We go back to the Slater commission, which cost over \$1 million. We had Mr Justice Coulter Osborne, a very respected justice, appointed to take a look at the auto insurance system, and what did the government do to him? The government knee-capped the man. In the midst of his study it came out with this scheme for establishing a rate-setting board and significant intervention in the private sector in the automobile insurance field in this province.

We can go on from there with the government's own appointee, a well-known Liberal, John Kruger, and the money poured into the hack-filled board. If members want, they can go over the resumé of all those Liberal appointees and their loyal dedication to the Liberal Party of Ontario and the significant per diems they received through that exercise in futility. Then what happened? They totally humiliated Mr Kruger, rejecting his recommendations.

By the way, since the former Minister of Natural Resources, the member for Niagara Falls (Mr Kerrio), is here, I want to say something about him. He is the only one who had the guts to get up and say: "I don't care if these guys come in

with a recommendation of 12, 14 or 15 per cent. The cabinet will have the final say. We are going to make this a political thing. We are going to overturn it."

The Premier demanded that the Minister of Natural Resources apologize, and he did it; he is a good party guy, very loyal, a trooper. He gets up and apologizes the next day: "I was mistaken. The cabinet will not overturn that." What happened? In the fullness of time, obviously the government and the cabinet intervened and overturned the Ontario Automobile Insurance Board's recommendations. But we did not hear the Premier apologizing to the Minister of Natural Resources, did we?

The member for Niagara Falls had the guts to stand up and say, "I think I've made a mistake here." But when his leader had made an obvious mistake, a public error, he did not have the intestinal fortitude to stand up and do the same thing that the one member of his executive council did.

**Mr Wildman:** Instead, he threw him out of the cabinet.

**Mr Runciman:** That is right. That is how you get paid in the Liberal government of David Peterson for loyalty. You get turfed. I feel sorry for the member for Niagara Falls. After years of loyal service, after the good job he did in cabinet, to have that kind of treatment is really shameful.

Interjections.

**The Deputy Speaker:** Order, please.

1750

**Mr Runciman:** We are all very much concerned about where this government is taking us with respect to no-fault automobile insurance. a very socialist initiative undertaken by this government.

Interjections.

**Mr Runciman:** Talk to a gentleman by the name of Laurence Grafstein. This is indeed a very socialist initiative. But that is not surprising—I have said this in the past—when you take a look at some of the key players in this government. There is the Attorney General (Mr Scott)—I love to remind members of this House—who is a former fund-raiser for the New Democratic Party.

We have had the former Minister of Financial Institutions, now the Treasurer, standing up and indicating that he was not terribly concerned and would not be troubled by the prospect of a government-run automobile insurance program in this province. That is on the record. That is in Hansard. We can go on and on with respect to the

key players in this government. It is not surprising that this kind of initiative is being considered and undertaken.

With respect to the ramifications for consumers and drivers in this province, I think we also have to look at what is happening with respect to taxpayers. What we have in effect, is a subsidization of the insurance industry because of this initiative. We have close to a \$150-million subsidization of the automobile insurance industry through this program, through the OHIP payment relief and through the tax relief program that has been instituted by this government.

What we are doing is saying: "Okay, we can't follow through on the promise we made in 1987 to lower auto insurance rates"—in fact, we have seen them increase by around 20 per cent—"so now we are going to tack on at least another eight per cent. And by the way, you won't be aware of this, but we are at the same time subsidizing the insurance industry to the tune of close to \$150 million."

That is a con job on the people of this province; it is a con job, and we are going to make them aware of it. Hopefully, they are not going to float through this one; they are going to have to bite the bullet, they are going to pay the price. Ultimately, the people of this province are going to be made aware of the flim-flam job presented by this government with respect to automobile insurance.

**Mr Ballinger:** We'll let the public decide that.

**Mr Laughren:** We certainly will.

**The Deputy Speaker:** Order, please. The member for Leeds-Grenville is the only one who has the floor.

**Mr Runciman:** I want to talk briefly about what my colleague had an opportunity to make reference to very briefly, and that is the increase in fees and licensing fees. He talked about special occasion permits. We can talk about a whole range of areas where this government has increased fees, licence fees, whatever, by astronomical amounts.

This government is obsessed with tightening its grip on the necks of Ontario small businessmen. Look at the government's fees: \$775 for a liquor licence application, and \$650 for those that do not require public meetings. There was no fee at all for that previously. The issuing fee now has been boosted from \$40 to \$225, a 500-plus per cent increase. It is highway robbery.

We can talk about special occasion permits and the impact that is having on small legions and similar organizations in rural areas, which really feel the pinch of those kinds of 300 per cent or

400 per cent increases in licensing fees. It is the old tax-tax-tax and spend-spend-spend approach of this government. In fact, it is even more than tax, tax, tax and spend, spend, spend; it is gouge, gouge, gouge the taxpayers.

At the same time that we have seen all these enormous increases in fees for licences, etc, we have seen the per diems paid to the Liberal faithful who have been chucked into all of these appointed bodies throughout the province increased by astronomical figures as well. The chairman of the eastern Ontario mental health review board, back in 1984-85 when the Progressive Conservative government was in power, was receiving a per diem of about \$150. I think now it is up to around \$750—an enormous increase. The government is making up for the 42 years out of power, and it is trying to do it all in four or five years; it has increased those fees significantly.

The member for Brampton South was trying to appeal to the public of Ontario who are watching us on television that we are dealing with a responsible government here. In fact, ladies and gentlemen of Ontario, we are not dealing with a responsible government in respect of its taxing and spending policies; not at all.

The Treasurer was somewhat boastful about the fact that his tax expenditure level is around the \$41-billion budgetary revenue figure. That is fine and good when we are in a healthy economic situation, but at some point we are going to see a downturn in the economy, and this government has made spending-level commitments that are going to be onerous to say the least, perhaps unbearably so if we see a really serious dip in the economic wellbeing of this province. A future government, whether it be Liberal, Progressive Conservative or New Democratic, is going to face that dilemma and perhaps in the not-too-distant future.

We have not been saving for a rainy day. Although the Treasurer will again boast that he has been reducing the deficit on an annual basis, the accumulated deficit has continued to grow. The government has had an opportunity in the past four years, governing in an unprecedented economic boom, to really cut into that accumulated deficit, to do something for our children and our grandchildren in years to come. But it has totally missed that opportunity because of its very shortsighted approach to winning votes in the 1987 election and, again, its irresponsible handling of taxes and spending policy in this province.



I think there is an agreement to have a voice vote dealing with this, so I am going to conclude my remarks right now.

**Hon R. F. Nixon:** I just want to thank the honourable members who participated for their

advice, and we will certainly respond in an effective way to all of those pearls.

Motion agreed to.

The House adjourned at 1800.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### THE OFFICE THAT WORKS SEMINAR

**151. Mr Johnson:** Would the Minister of Government Services list which of his staff are involved with The Office That Works seminar scheduled for 29 and 30 May 1989 at the Metro Toronto Convention Centre, the nature of their involvement, the approximate time devoted to the seminar by each of the staff and their salary ranges? [Tabled 11 May 1989]

**Hon Mr Ward:** One member of the staff of the former Minister of Government Services, the Honourable Richard Patten, was involved with The Office That Works seminar held 29 and 30 May 1989 to the Metro Toronto Convention Centre.

James Oldham, a special assistant to the former minister, spent 10 per cent of his time over a nine-month period acting as liaison between the minister and conference organizers. His yearly salary range was \$35,000 to \$52,000.

### CONSULTANTS' REPORTS

**177. Mr Harris:** Would the Minister of Housing provide the following information: (a) the number of consultants' reports the ministry commissioned in 1987-88 and 1988-89, (b) the subject of each report, (c) the names of the consultants awarded the contracts and (d) the total cost of each report? [Tabled 29 May 1989]

See sessional paper 175.

### HIGH-RISE REHABILITATION PROJECT

**181. Mr Harris:** Would the Minister of Housing provide the following information about

the high-rise rehabilitation program: (a) the number of loans approved since the program was launched in 1986, (b) the amount of each loan, (c) the name of the landlord and the municipality where each building is located, (d) the number of units under renovation and (e) the number of units completed as at 1 May 1989? [Tabled 29 May 1989]

**Hon Mr Sweeney:** A decision was made to cancel the high-rise rehabilitation project. The funding was originally intended to demonstrate the feasibility of alternative rehabilitation techniques; however, preliminary research indicated there was ample evidence of alternative techniques already in existence.

### HOME SHARING PROGRAM

**182. Mr Harris:** Would the Minister of Housing provide the following information about the home sharing program: (a) a list of all municipalities that have received grants under this program, (b) the amount of each of the grants and (c) the number of new rental units created as at 1 May 1989? [Tabled 29 May 1989]

**Hon Mr Sweeney:** Grants are made available to interested municipalities for the development and operation of home sharing programs. The participating municipality may choose to operate the program directly to prospective clients, or it may elect to administer the funds to a community-based agency to operate the service on the municipality's behalf. Approximately two thirds of the home sharing program use the latter approach. See attached for details.

### Home sharing program

Project	1985-86	1986-87	1987-88	1988-89
Ottawa M/S	\$15,000	\$ 20,000	\$ 40,000	\$ 40,000
City of York	\$12,500	\$ 15,000	\$ 40,000	\$ 40,000
			\$ 2,500*	
East York	\$12,500	\$ 15,000	\$ 40,000	\$ 40,000
			\$ 3,027*	
Scarborough		\$ 15,000	\$ 40,000	\$ 40,000
			\$ 2,500*	
Brockville		\$ 4,295		
Peterborough		\$ 9,000	\$ 34,500	\$ 40,000
North Bay		\$ 10,200	\$ 30,300	\$ 33,290
Sault Ste. Marie		\$ 20,000	\$ 40,000	
London		\$ 10,000	\$ 30,000	\$ 30,000
Waterloo region		\$ 20,000	\$ 40,000	\$ 40,000
Metro		\$ 15,000	\$ 40,000	\$ 40,000



Project	1985-86	1986-87	1987-88	1988-89
Etobicoke			\$ 40,000	\$ 40,000
City of Toronto			\$ 30,000	\$ 25,950
Niagara			\$ 40,000	\$ 40,000
Region of Sudbury			\$ 40,000	\$ 40,000
Region of York			\$ 40,000	\$ 40,000
City of North York				\$ 40,000
Ottawa Y				\$ 40,000
Hamilton				\$ 40,000
Totals	\$40,000	\$153,495	\$572,827	\$649,240

\*Adjustments due to program calendarization.

Grand total  
\$1,415,562

#### Home sharing total cumulative matches and placements

Cumulative matches (shared accommodation) as of 1 May 1989	1221
Cumulative placements (mainly self-contained units) as of 1 May 1989	667
Total cumulative matches and placements	1888

#### STARTER HOMES PROJECT

**183. Mr Harris:** Would the Minister of Housing provide the following information about the starter homes program: (a) a list of all municipalities that have received grants under this program, (b) the amount of each of these grants, (c) the number of houses under construction and (d) the number of houses completed as at 1 May 1989? [Tabled 29 May 1989]

**Hon Mr Sweeney:** A decision was made to cancel the starter homes program due to a lack of interest by municipalities to participate in the program. The funding originally intended for this program was redeployed to help meet the capital requirements of the Housing Advocacy Task Force.

#### ACID RAIN

**261. Mrs Marland:** Would the Minister of the Environment indicate who signed the 1985 federal-provincial agreement on behalf of Ontario calling for at least a 50 per cent reduction in sulphur dioxide emissions in eastern Canada, and would the minister provide the specific target reductions for Ontario in tonnes and in percentage from the base year? [Tabled 10 July 1989]

**Hon Mr Bradley:** On 10 March 1987 the Minister of the Environment, the Honourable Jim Bradley, signed the federal-provincial agreement on behalf of Ontario which committed Ontario to a reduction to a cap of 885,000 tonnes by 1994 from the 1980 base case of 2,194,000

tonnes. This is a 60 per cent reduction in sulphur dioxide emissions. No previous agreement was signed between Ontario and the federal government regarding sulphur dioxide emission reductions in eastern Canada.

**262. Mrs Marland:** Would the Minister of the Environment agree that his Countdown Acid Rain program only provides for a seven per cent reduction (calculated on the base year) in sulphur dioxide emissions beyond that provided in the 1985 federal-provincial agreement on acid rain to which Ontario is a signatory? [Tabled 10 July 1989]

**Hon Mr Bradley:** Countdown Acid Rain specifies reductions required of individual polluters to attain an overall 60 per cent reduction in Ontario sulphur dioxide emissions. Prior to Countdown Acid Rain, the Ontario government had not ordered acid rain polluters to take steps necessary to achieve targets under the 1985 federal-provincial agreement calling for a 50 per cent reduction in sulphur dioxide emissions in eastern Canada.

#### GOVERNMENT PUBLICATION

**275. Mr Sterling:** Would the Minister of Industry, Trade and Technology indicate who prepared the book used as a gift of the Premier during his visit to Davos, Switzerland, the number of copies produced, by whom, at what cost, and specifically the role played by Vickers and Benson in this undertaking? [Tabled 10 July 1989]

**Hon Mr Kwinter:** The book Ontario—Share the Vision used by the Premier was prepared by the communications branch of the Ministry of Industry, Trade and Technology with creative assistance from Vickers and Benson, our contracted creative services agency.

Twelve thousand copies of the book were printed for Davos and for future use as the ministry's investment lure book. The book was produced by McKinnon-Moncur at a cost of \$385,578.

Vickers and Benson provided assistance in the final design, layout, artwork and production of film separations for the printer.

#### VIDEO PRODUCTIONS

**276. Mr Sterling:** Would the Minister of Industry, Trade and Technology detail what video productions have been prepared for his Ministry during the past three fiscal years, indicating whether such productions were undertaken in-house or by nonministry personnel, the purpose of such videos produced and at what cost? [Tabled 10 July 1989]

**Hon Mr Kwinter:** One videotape and one video production were prepared for the Ministry of Industry, Trade and Technology. Videotaping/production was undertaken by contracted non-ministry personnel.

1. The Economic Summit fashion show was videotaped to help promote the Ontario fashion industry at domestic and international trade shows and for the media. The video was produced in 1988-89 at a cost of \$7,000.

2. A video entitled Share the Vision was produced for the meeting in Davos, Switzerland. Its purpose was to present Ontario as a worldwide source of products and a stable investment environment for international business. French and English versions were used at the G-7 Economic Summit meeting in Toronto. After G-7, German, Japanese and Korean versions were produced. Three hundred copies of the five videos have been distributed worldwide. The videos were produced in 1987-88 and 1988-89. Total cost for the five videos was \$750,000.

#### PREMIER'S COUNCIL ON HEALTH STRATEGY

**286. Mr Eves:** Would the Minister of the Environment indicate whether he is a member of the Premier's Council on Health Strategy and, if so, why he did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Mr Bradley:** The Minister of the Environment is a member of the Premier's

Council on Health Strategy. However, the council's recently released report, From Vision to Action, is a report of the health care system committee, a subcommittee of the Premier's Council, members of which signed the report. The Minister of the Environment is not a member of the health care system committee.

**287. Mr Eves:** Would the Minister of Health indicate whether she is a member of the Premier's Council on Health Strategy and, if so, why she did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Mrs Caplan:** The report From Vision to Action was prepared for the council by its health care system committee. All the working members of this committee signed the report and dedicated it to the late Father Sean O'Sullivan, who was also a member of this committee. The Minister of Health is a member of the Premier's Council but was not a working committee member.

**288. Mr Eves:** Would the Chairman of Management Board indicate whether he is a member of the Premier's Council on Health Strategy and, if so, why he did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Mr Elston:** The Chairman of Management Board is a member of the Premier's Council on Health Strategy. However, the council's recently released report, From Vision to Action, is a report of the health care system committee, a subcommittee of the Premier's Council, members of which signed the report. The Chairman of Management Board is not a member of the health care system committee.

**289. Mr Eves:** Would the Minister of Housing indicate whether she is a member of the Premier's Council on Health Strategy and, if so, why she did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Mr Sweeney:** The Minister of Housing is a member of the Premier's Council on Health Strategy. However, the council's recently released report, From Vision to Action, is a report of the health care system committee, a subcommittee of the Premier's Council, members of which signed the report. The Minister of Housing is not a member of the health care system committee.

**290. Mr Eves:** Would the Minister of Community and Social Services indicate whether he is a member of the Premier's Council on Health Strategy and, if so, why he did not sign the council's recently released report? [Tabled 10 July 1989]



**Hon Mr Beer:** My predecessor, the Honourable John Sweeney, was and continues to be a member of the Premier's Council on Health Strategy. The council is supported by several working committees, one of which is the health care system committee. This committee, of which Mr Sweeney was not and is not a member, prepared the recently released report entitled *From Vision to Action*. While this report was reviewed by the full council, it was signed and issued by members of the health care system committee.

**291. Mr Eves:** Would the Minister without Portfolio responsible for disabled persons indicate whether he is a member of the Premier's Council on Health Strategy and, if so, why he did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Ms Collins:** The Minister without Portfolio responsible for disabled persons is a member of the Premier's Council on Health Strategy. In addition, all members of council actively participate on subcommittees of council,

which address specific areas of concern. The then minister did not sign the council's health care system committee report *From Vision to Action* because he was not a member of that subcommittee. The minister responsible for disabled persons is a member of the Premier's Council on Health Strategy's healthy public policy subcommittee.

**292. Mr Eves:** Would the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) indicate whether he is a member of the Premier's Council on Health Strategy and, if so, why he did not sign the council's recently released report? [Tabled 10 July 1989]

**Hon Mr Morin:** The Minister without Portfolio responsible for senior citizens' affairs is a member of the Premier's Council on Health Strategy. However, the council's recently released report, *From Vision to Action*, is a report of the health care system committee, a subcommittee of the Premier's Council, and was signed by members of the working group of the committee which produced the report.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaître, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)



- McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)
- Miclash, Frank (Kenora L)
- Miller, Gordon I. (Norfolk L)
- Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)
- Morin-Strom, Karl E. (Sault Ste Marie NDP)
- Neumann, David E. (Brantford L)
- Nicholas, Cindy (Scarborough Centre L)
- Nixon, J. Bradford (York Mills L)
- Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)
- Oddie Munro, Lily (Hamilton Centre L)
- Offer, Hon Steven**, Solicitor General (Mississauga North L)
- O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)
- O'Neill, Yvonne (Ottawa-Rideau L)
- Owen, Bruce (Simcoe Centre L)
- Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)
- Pelissero, Harry E. (Lincoln L)
- Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)
- Philip, Ed (Etobicoke-Rexdale NDP)
- Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)
- Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)
- Pollock, Jim (Hastings-Peterborough PC)
- Polsinelli, Claudio (Yorkview L)
- Poole, Dianne (Eglinton L)
- Pope, Alan W. (Cochrane South PC)
- Pouliot, Gilles (Lake Nipigon NDP)
- Rae, Bob (York South NDP)
- Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)
- Ray, Michael C. (Windsor-Walkerville L)
- Reville, David (Riverdale NDP)
- Reycraft, Douglas R. (Middlesex L)
- Riddell, Jack (Huron L)
- Roberts, Marietta L. D. (Elgin L)
- Runciman, Robert W. (Leeds-Grenville PC)
- Ruprecht, Tony (Parkdale L)
- Scott, Hon Ian G.**, Attorney General (St George-St David L)
- Smith, David W. (Lambton L)
- Smith, E. Joan (London South L)
- Sola, John (Mississauga East L)
- Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)
- South, Larry (Frontenac-Addington L)
- Sterling, Norman W. (Carleton PC)
- Stoner, Norah (Durham West L)
- Sullivan, Barbara (Halton Centre L)
- Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)
- Tatham, Charlie (Oxford L)
- Velshi, Murad (Don Mills L)
- Villeneuve, Noble (Stormont, Dundas and Glengarry PC)
- Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)
- Wildman, Bud (Algoma NDP)
- Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)
- Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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No. 58

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Wednesday 25 October 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 25 October 1989

The House met at 1331.

Prayers.

## MEMBERS' STATEMENTS

### ASSISTANCE TO FARMERS

**Mr Wildman:** Ontario farmers face important challenges as we enter the 1990s and the 21st century, and this Liberal government appears not to be ready to meet them. Farmers face a serious credit crisis, a debt crisis, interest rates remain high and are likely to rise further due to inflationary pressures that will be brought on by the institution of the federal government's goods and services tax, and yet this Liberal government has let the Ontario family farm interest rate reduction program lapse without any replacement.

How does this government intend to finance agriculture in Ontario?

Farmers also face challenges on the environmental and health care fronts, yet this government has no strategy for sustainable agriculture or dealing with the need for less reliance on chemicals to protect our soil and water and also the health of consumers. The government continues to back away from any meaningful protection of agricultural land from development pressures. The government continues to refuse to require food land guidelines to be included in municipal official plans.

This government seems content to bask in the reflection of the Toronto urban economic boom while farmers continue to have to leave agriculture, and those who remain on the land are squeezed by higher costs, environmental concerns and the blandishments of the development industry.

Is this government content to preside over the disappearance of the family farm as we enter the 21st century?

### DISCOVERY OF INSULIN

**Mr McCague:** Today marks an important anniversary in Canadian medical history. It was on this date in 1923 that Sir Frederick Banting and John Macleod were awarded the Nobel prize for medicine.

Allistonians can be particularly proud today because Sir Frederick Banting was a native of our fair town. He was born in Alliston on 14 November 1891, educated at the University of Toronto and served overseas during the First World War in the army medical corps. Upon returning to Canada in 1920, he began to work under Dr J. Macleod on the problem of diabetes. Within four months, they had isolated insulin and proved its effectiveness.

Forgotten by the Nobel committee but not forgotten by Banting was the contribution made in the discovery of insulin by Charles Best. Best was born in the United States but was educated in Canada at the University of Toronto. He became a colleague of Banting and contributed greatly to the research on diabetes, which was overseen by Dr Macleod.

On this date we pay tribute to these three fine scientists. Their discovery of insulin is surely one of the crowning medical achievements of the 20th century. As Allistonians and Ontarians, we should all be proud of the accomplishments of Banting, Macleod and Best. I encourage all members to visit the memorial to Banting near Alliston.

### PASSENGER RAIL SERVICES

**Mr D. R. Cooke:** Subsection 260(6) of the federal Railway Act sets out certain criteria for the National Transportation Agency in determining whether or not uneconomic passenger train service should be discontinued. They include actual losses and present existence of alternative transportation services as well as probable future existence of those services.

The order in council relieving Via Rail of many of its obligations to provide passenger rail service has been passed without these criteria being met. Thus, the agency has not fulfilled its obligations pursuant to sections 144 and 145 of the National Transportation Act.

Even so, the order in council relieving Via Rail of its obligations clearly deposits those residual legal duties with the original owners of the lines, Canadian National and Canadian Pacific. In other words, responsibility for an integrated rail system still falls within the mandate of CN and CP.



The federal legislation stipulates that these companies are responsible for providing passenger rail service to the people of Canada should Via Rail service be rescinded. There is a residual legal duty for CN and CP to start passenger rail service at midnight 15 January 1990 on all lines abandoned by Via Rail.

I hereby call upon these two responsible corporate entities to obey the law and institute these passenger services in accordance with their fine traditions.

#### SOCIAL ASSISTANCE

**Mr Allen:** It is time for this government to directly address the dilemma of food banks and the moral scandal of persistent and growing hunger in the midst of economic prosperity.

I have therefore requested that under the new orders the standing committee on social development of this Legislature devote 12 hours to a close examination of this disturbing question.

It is not enough for the government simply to say that our social assistance reforms will eliminate the need. Work rule changes will not help food bank clients who are unable to work. Increases in shelter allowance that are less than actual rental costs will still see food money going to rent. Food allowances less than actual market basket costs will still send recipients to food banks and inflation add-ons only keep clients on the treadmill.

Those who began food banks in the early 1980s had no intention of becoming a necessary part of the social assistance system. Their consciences are racked by the thought that they have become so and that every day they are allowing the government to evade its clear responsibility.

The time has come to develop a clear and precise strategy for phasing out food banks and ending hunger in Ontario, and the committee can be an important first step in that process.

#### HERITAGE LANGUAGES

**Mr Jackson:** On 13 July, Bill 5 received royal assent. The bill makes it mandatory for school boards to offer heritage-language classes at the elementary school level. The bill also gave the minister the power to make regulations.

Despite the fact that draft regulations had not been released to school boards and the provincial advisory committee was still working on the program resources guide, the government pushed this legislation through the House.

The only information the government felt obliged to provide was outlined in a statement from the Ministry of Education on 24 October

1988. "School boards must provide heritage-language classes on the request of the parents of at least 25 students...and these classes are to be held outside the normal school day."

When the regulations were finally released in August, school boards were surprised to find that once they establish a class they are required to continue to provide it even if only 10 students attend the first scheduled class. In fact, the boards must continue to provide the classes throughout the school year even if just one child remains in attendance.

The inflexibility of the new government regulations is difficult to understand, especially in light of the many provincially mandated priority programs in our educational system which are today being severely underfunded.

This government must realize that heritage-language classes form an important and balanced part within the broad spectrum of educational goals and priorities. The government's new regulations pose a serious threat to that important balance.

#### PASSENGER RAIL SERVICES

**Mr Adams:** As an expression of my deep concern about the recently announced closing of the Via Rail route between Peterborough and Toronto, I have written a piece of verse. It is dedicated to the member for Oxford (Mr Tatham), poet laureate of the 34th Parliament, dean of railroaders and recently appointed to the Ontario-Quebec committee on high-speed rail.

Ode to Via Rail:

When tonight you think of Via,  
take the time to think who we are.  
Do we want to pollute our planet,  
leaving nought for kids to inherit?

No, we want to travel by train,  
cutting down on acid rain.

No, we want to save white pines,  
by travelling on those railway lines.

If Mr Mulroney wants to be back  
He must make sure we stay on track.

And to the member for Oxford:

We are with you, Charlie,  
in your lifelong fight.

On passenger trains,  
you've always been right.

1340

#### TRANSIT SERVICES

**Mrs Grier:** It must be transit day, because I want to comment on the fact that yesterday when the Minister of Transportation (Mr Wrye) tabled

his estimates, there was once again a great deal of rhetoric about the government's commitment to spending on roads and public transit. There was an emphasis on the need for a good road system for our economy and particularly for the tourist economy of the province, but there was not much emphasis on the concept of gateways, the concept introduced by the predecessor of this minister. The gateways were supposed to siphon people out of their cars and into public transportation.

Look at this particular publication by the Ministry of Transportation, a road map that every tourist and every commuter, I am sure, owns. There is no mention of gateways. There is no indication as to where you can leave your car and get on public transit. You are not even told where you can catch the GO train. If you are a tourist wanting to come downtown but not wanting to drive, you do not know how to do it.

Cigarette packages carry warnings about health risks. When will the government's road maps carry a warning to take public transit instead? It may be a simple oversight, but it seems to me to indicate this government's lack of commitment to public transit and its interest in spending more money on expressways.

When the Highway 407 bypass finally opens, it will be just as clogged as every other expressway, and the people who try to get downtown to work will still face long delays and high fares on our public transit system.

#### REMEMBRANCE DAY

**Mr McCague:** Apparently the government has issued an order in council authorizing liquor stores across the province to open on Remembrance Day, 11 November, at 12 noon. This signifies a major departure from past practice.

In response to this decision, the town of Clearwater and the village of Point Edward have passed resolutions calling upon the Ontario government to show respect for our veterans. To me, the issue here is what importance and relevance we as a society give Remembrance Day and, in particular, those men and women who risked their lives for our country.

Perhaps the government believes consumers want the convenience of open liquor stores on that Saturday. Perhaps it believes it needs the money or perhaps it believes a half-day remembrance is better than none. Perhaps, saddest of all, the government may be right: consumers prefer convenience and see nothing untoward about the shift in how we remember our veterans.

I think all members of this House should consider and put into perspective the importance of Remembrance Day. It is more than the laying of a wreath or going to a parade, quickly over and then forgotten for another year. We owe so much to those who served and died in that service. I wonder if it is too much to ask in return that we forgo a little convenience.

#### CHRIS KUBIK AND AL DUNNING

**Mr Pelissero:** Each year the Big Brothers-Big Sisters of Grimsby, Lincoln and West Lincoln select one outstanding young man or woman to be honorary Lincoln MPP for a day. This year, Chris Kubik, a 16-year-old student at Denis Morris high school, was chosen on the basis of his progress and participation. Chris's Big Brother is Al Dunning, a resident of Beamsville. They have been matched for over seven years and share many common interests such as sports, camping and fishing.

The Big Brothers-Big Sisters movement has been helping children for over 80 years. Its success is based on an effective yet simple concept: one-to-one friendship between a mature, caring adult and a child who can benefit from that friendship. Given the increasing number of children today living with only one parent, an understanding and loving Big Brother or Big Sister is the kind of friend a child needs to become a mature, productive and emotionally healthy adult.

I am sure all members of this House will join me in welcoming Chris Kubik as their honorary Lincoln MPP for the day, and his Big Brother, Al Dunning. They exemplify all that is good about the Big Brothers-Big Sisters movement across the province. Chris and Al are here today with us in the gallery. Welcome and congratulations.

#### ORAL QUESTIONS

##### CORRECTIONAL FACILITIES

**Mr B. Rae:** I have a question for the Premier. Yesterday, in what must be seen as a rather unusual step, his Minister of Labour (Mr Phillips) felt obliged to write a letter to his Minister of Correctional Services (Mr Patten) concerning complaints which have been raised with the Minister of Labour about health and safety in prisons and jails that are under the jurisdiction of the Minister of Correctional Services.

Quoting from the letter, his Minister of Labour states, "In particular, section 14(2) obligates you to provide information, instruction and supervi-



sion to a worker to protect the health or safety of the worker."

Can the Premier explain why one of his cabinet ministers would feel he had no choice but to write such a letter to the Minister of Correctional Services?

**Hon Mr Peterson:** The member obviously could have asked the writer of the letter or the receiver of the letter, but I think the receiver of the letter could probably assist him in his response.

**The Speaker:** Was that the Premier's response or was the Premier referring it? The Premier is referring it to the Minister of Labour.

**Hon Mr Phillips:** I received two letters—  
Interjections.

**The Speaker:** Order.

**Mr B. Rae:** On a point of order, Mr Speaker: The Premier referred the question to the recipient of the letter, who is the Minister of Correctional Services.

**The Speaker:** I will try once again. The Premier would like it referred to which minister?

**Hon Mr Peterson:** I am easy on the subject, but I think the Minister of Correctional Services might as well answer, if he so chooses.

**Hon Mr Patten:** I do not feel that I can speak for the Minister of Labour, but I will make a comment. I understand that a letter has been sent to our ministry dealing with the question of health and safety and that the other issue was the utilization of untrained correctional officers. I might point out that the utilization of untrained officers happened to be our management staff who are filling in the vacancy of some officers who chose to phone in to be ill or sick or not fulfil their duties at that particular time.

In terms of the health and safety issue, I have not read the total implications of that. Let me assure the member, though, that naturally and of course that is a major concern for our particular ministry, for all our employees, for anybody who works in the institutions and for the people we are trying to serve.

**Mr B. Rae:** If I heard the minister correctly, he said he had not read or was not fully aware of the implications of the health and safety issue. I cannot believe that the minister would make that kind of a statement, given the fact that this entire dispute is about health and safety and about the health and safety of the people who are working within the system.

Can the minister explain to me why he has yet to meet with any responsible person among the

jail guards concerning this health and safety dispute? Why has he not sat down personally and met with them? Why, in fact, would his colleague the Minister of Labour feel obliged to step in because he is so obviously dropping the ball and failing to do his job?

The Minister of Labour is, in fact, the one who is calling the parties together. Why would not the Minister of Correctional Services, as employer, have met with those employees?

**The Speaker:** There have been two questions asked.

**1350**

**Hon Mr Patten:** I believe the Leader of the Opposition is not truly characterizing this in the light of the circumstances that we have. The Minister of Labour, as I understand it, responded to the union's concern and passed on that communication to us for us to examine and consider.

The Leader of the Opposition was incorrect in saying that I did not acknowledge the importance of health and safety. I repeat, I do acknowledge the importance of health and safety. I have said that we will have the necessary meetings that are required with the union at a point at which our institutions are safe, secure and well managed. I believe that is happening now. As soon as that happens and we arrive at a position where we have normalcy and we have good operations in our institutions, we will meet with the union through our employee relations committee at the institutional level, plus our employee relations committee at the provincial level.

**Mr B. Rae:** I want to try and break through the gobbledegook. Is the minister himself personally prepared to meet with the union and with the jail guards themselves to resolve what has obviously been a major dispute about health and safety, or is he going to continue to avoid his responsibilities to the point where he has to keep on getting letters from his colleague the Minister of Labour (Mr Phillips)? Is he prepared personally to intervene, to meet with these people to try to resolve this dispute? Yes or no?

**Hon Mr Patten:** The whole world does not revolve around simplistic answers or questions. It is a very complex, extremely sensitive issue and I would hope that we would not be playing politics over situations of this nature.

The people who are concerned with the operational responsibility of our labour force and our labour issues in our ministry are prepared to meet as soon as we have a situation of normalcy. I am committed to that. I have instructed the

superintendents of all our institutions to sit down with their particular employee relations committees as well. That needs to happen on an individual basis because each institution—

**Mr B. Rae:** No, no.

**Hon Mr Patten:** The Leader of the Opposition shakes his head. Perhaps he does not appreciate the fact that each one of those institutions is different. Some are small, some are large, some have different levels of community, etc, and not all institutions face the same kinds of concerns.

I reiterate, we are prepared to do that once we have a position where we can operate our institutions satisfactorily.

#### NATIONAL COUNCIL OF JEWISH WOMEN OF CANADA

**Mr B. Rae:** The second question is also for the Premier. I do not know whether he is equipped to answer this one or not either.

I am sure the Premier is aware of the very substantial sums of money that were transferred by various ministries in his government—and not only in his government but indeed by previous governments—to the National Council of Jewish Women of Canada, Toronto section. I asked several months ago about what kinds of audits were being performed in terms of the transfers that took place from the Ministry of Culture and Communications, the Ministry of Community and Social Services and the Ministry of Housing to the National Council of Jewish Women. I wonder if the Premier can tell us, is he now in a position to say what his audits have found with respect to these transfers, and if not, why not?

**Hon Mr Peterson:** I am not in a position to share that, but whatever information is available, this very clearly will be shared with my honourable friend and anyone else who is interested. He could very clearly ask the ministers responsible and it will all be there for anyone to see.

**Mr B. Rae:** It appears that the council has been told that the government of Ontario is trying to collect \$800,000 of a so-called overpayment, and since it involves different ministries and different ministers at different times, I felt I had to ask the Premier this particular question.

The question that I have for the Premier is this: How would it have been that the province of Ontario would have made a \$350,000 overpayment on a renovation grant? How could that have happened? When did the audit commence and what has been the result of that audit? If the Premier is going to the council and saying he

wants the money back, why does he not have that information for the Legislature?

**Hon Mr Peterson:** I do not have that particular information, but I am certainly happy to gather it up for the honourable member, or the appropriate minister will, and presumably any actions taken will be done on a substantiated basis.

**Mr B. Rae:** The council, as the Premier will know, in its national body, is a charity that has been in place for nearly 100 years. They have apparently been faced with a demand from the province of Ontario for a very substantial sum of money. I think the people of this Legislature are entitled to know on what basis this decision was made, when the audit was performed and how it is possible that such levels of overpayment were in fact made to the national council. This is information. The government is acting on the basis of this information. Bureaucrats are apparently meeting with the national council. We are entitled now to this information. His government is in charge of this. We would like to have that information.

**Hon Mr Peterson:** I will ask the appropriate ministers to share that information with the member and if there are any irregularities in the payments subject to investigation at the present time, presumably if mistakes have been made they want them to be rectified. That is what the whole object is about.

#### CORRECTIONAL FACILITIES

**Mr Brandt:** My question is for the Premier in regard to the situation at our correctional institutions. I wonder if the Premier could share with us any decisions or contingency plans that evolved out of the meeting of Policies and Priorities Board of Cabinet.

Apparently on the way in today, he indicated that this matter would be discussed by P and P with respect to what future actions might be taken by the government in regard to the current dispute between the jail guards and the government. Could he perhaps enlighten us as to whether any of those decisions were made and was the matter even discussed?

**Hon Mr Peterson:** My honourable friend, being a former member of the executive council, will know that agendas of the executive council are a private matter. That being said, I am happy to share with my friend that matter was not discussed at the board of policy and priorities this morning.

**Mr Brandt:** I am surprised that it was not because it is a pending crisis, unless something is



done. I would like to ask the Premier, in view of the fact that nothing was discussed at P and P, and he apparently hinted that there may well be some discussion in talks that he had prior to going into that meeting today, if he could indicate whether any instructions have been given to the Solicitor General (Mr Offer) with respect to the possible involvement of the OPP if the situation continues to deteriorate in our jail system?

**Hon Mr Peterson:** No orders have been forthcoming from my office, to the best of my knowledge, to the minister responsible.

**Mr Brandt:** Could I ask the Premier, in view of the answers that were given by the Minister of Correctional Services earlier to the Leader of the Opposition, if he in fact supports the position—to use the minister's words—that there will be no discussion until the situation develops into one of "normalcy"—I believe is what he indicated—and that if in fact the position of the government is that it is not going to have any discussions whatever with the union in regard to how this matter may in fact be resolved? Is he going to wait for a major crisis before there is any direct contact between his minister and the union involved?

**Hon Mr Peterson:** These matters are a matter of ongoing discussion, as the member knows. There has been an injunction in the courts. As the member knows, a number of matters are subject to arbitration at the present time and my honourable friend would know enough, since he has spent some time in government, to realize that there are certain ways and processes to solve these kinds of questions. I think he can have great confidence in the minister's capacity to handle that.

**Mr Brandt:** I would like, if I might, to direct my second question to the minister involved then. There is a great deal of concern, I want to say to him, about the lack of contact that his ministry has made with any of the officials who are representing the jail guards in this particular dispute. In fact, the matter is deteriorating on a daily basis.

I want to ask the minister why he has not shown more direct interest by even so much as picking up the phone and discussing the matter directly with those involved? Why has he not done that?

**Hon Mr Patten:** I share the member's concern. Let me assure him that I have been very active over these last few days and these past few weeks in relation to this issue which I believe really concerns most of us in this House.

My position, however, my responsibilities and my mandate, as the member I am sure will appreciate, is to ensure that our institutions are operating effectively; that the community in fact is confident that those institutions are secure and safe. We have had some difficulties in doing that. We have said we are prepared to do that.

Our first responsibility in a situation of this nature, however, is to place our resources in the position of ensuring that those institutions are secure and running adequately. Once that happens, we will then have some resources to be able to address these concerns hopefully in a thoughtful, caring kind of way.

**1400**

**Mr Brandt:** I would remind the minister that when there was flooding in southwestern Ontario, primarily in the county of Essex, that the former Minister of Agriculture and Food and some other interested members were there virtually the next day to observe the damage that was done, to assure the people that assistance would be forthcoming and to take whatever actions were possible on the part of the government to assist in a crisis situation.

I believe that there is in fact a similar situation here, where some degree of contact, some direct indication from the minister that he is prepared to sit down, review the situation and try to return it to some degree of a normal situation would be the most positive signal that his ministry could possibly send out. And yet, he is standing idly by and waiting for the situation to continue to get worse and worse daily.

We now have in over half of the institutions, half of the jails in this particular province, a work slowdown and serious labour disruptions taking place requiring the minister to get an injunction to attempt to stop that. I do not believe that is the answer. I believe the answer rests with the minister. Why is he not prepared to make that contact?

**Hon Mr Patten:** First of all, I do not share the member's characterization of the situation. Yes, it is serious. It is not deteriorating. I believe it is improving. The information I have shows that the vast majority of our institutions at the moment are back to normal. We have a handful of situations which we believe will also be back to normal in a short period of time, a matter of hours hopefully. And at that particular point I can assure the leader of the third party that we will do everything we can. We have indicated this.

It is a simplistic thing to say that someone should take action in a specific way. Let me assure the member that we are looking at this in a

manner which we believe will resolve this. We ask for the co-operation of everyone in order to do so and we believe that this will take place later on today.

**Mr Brandt:** Jim Clancy on Global News this afternoon said, and I quote, "In August the deputy minister," of his ministry, "signed an agreement with the union at the Don Jail that they would not let the bed count exceed 550." As of this moment there are some 609 or 610 inmates in that particular institution.

How can his ministry have any credibility with the union when it in fact signed an agreement some three months ago which it has already broken, when he continues to take the position that he is not going to have any contact with it and when he has already broken this particular agreement? How does he expect to resolve this with those kinds of totally unacceptable labour relations?

**Hon Mr Patten:** Unfortunately, the information of the leader of the third party is not correct. I would suggest that he might want to ask his researchers to check the original document.

**Mr Brandt:** These are Jim Clancy's comments, not mine.

**Hon Mr Patten:** If the member wants to refer to other people's comments, commenting on a document in which we have participated in signing, then I think it is incumbent upon him to make sure that the information he has is correct. If he wants to deal with hearsay, that is one issue; if he wants to deal with the facts, it is the other.

Mr Speaker, I will tell you what the facts are. The facts indeed are that we did acknowledge that there was a capacity and when capacity reached a certain point we would address the issue of overage in counts of inmates coming in. However, we never at any point identified a particular figure in terms of saying, "Beyond this we cannot go."

Would the leader of the third party expect that of us when we are sitting there in an institution where we have no control over when the police knock on our door and say, "We have 30 inmates for you," or "We have 30 people who are charged"? We cannot say no. We must accept them. This would be a foolish position to be caught in, Mr Speaker. You can appreciate the difficulty—

**The Speaker:** Thank you. That seems like a fairly comprehensive response.

#### VISITOR

**The Speaker:** Just before I recognize the next questioner I would like to ask all members of the

assembly to recognize on the east side of the Speaker's gallery a member of the Nicaragua National Assembly, Dorotea Wilson. Please join me in welcoming her.

#### GOODS AND SERVICES ACT

**Mr Laughren:** I have a question for the Treasurer concerning his position on the federal government's proposed goods and services tax. Although I am not sure, I think that the Treasurer is opposed to the federal government's GST, and I am going to make that heroic assumption in my question. Can the Treasurer tell us, if he is opposed to it, why he is opposed to it? First, is it because he does not like the fact that it is a regressive consumption tax; second, that he wants that entire field to himself in the province of Ontario; or third, that the level is just a little too high?

**Hon R. F. Nixon:** The Premier (Mr Peterson) instructs me to answer one and three, and having fulfilled that instruction, I would like to say something further on my own behalf and to probably emphasize the point I just made. The Premier has found the tax to be unacceptable. The treasurers meeting in Montreal gave it their consideration and we found it to be unacceptable. I thought perhaps I should make that clear.

Specifically, the honourable member refers to the rate at nine per cent, which we think is going to be seriously inflationary in spite of the fact that the Minister of Finance for Canada says that this is going to be looked after by the Bank of Canada. We feel that the impact here will have deleterious effect on our economic growth and development, in job creation and all of the aspects that have been associated with our buoyant economy. There are other reasons that the member might want to pursue.

**Mr Laughren:** I wanted to know from the Treasurer as well what this means, because he obviously now has come out—despite the different views in the headlines that he has expressed over the last six months. One minute he is in favour of it and the next minute he does not think it is such a good idea. Does this mean that the Treasurer will have no part whatsoever in rolling together that regressive sales tax with his regressive sales tax in the province of Ontario?

**Hon R. F. Nixon:** The honourable member knows that the sales tax in Ontario is not seriously regressive because we have a clear spectrum of programs that ease the impact on low-income taxpayers. We are very proud of the fact that the honourable member himself, as I



recall, reportedly supported that type of program that eases the regressive aspects.

But I should also say that he would know that the Minister of Finance for Canada terminated any discussions with the treasurers. He did this in his usual gentlemanly way by phoning us all and saying "We are going ahead on our own and at our own rate and we will not be amalgamating our tax with yours. We thought that the discussions were going forward with some substantial content, but there has been no contact in this regard since the time that he took—

**Mr Laughren:** Oh, you wanted to be co-operative.

**Hon R. F. Nixon:** Of course. Why should we not be co-operative? We are prepared to be co-operative at any time with the government of Canada or any other reasonable source.

**The Speaker:** New question.

**Mr B. Rae:** We will continue to co-operate with the opposition.

**The Speaker:** The member for Parry Sound is waiting patiently. It is time for a question, not further supplementaries.

#### NURSES' PARTICIPATION IN HOSPITAL MANAGEMENT

**Mr Eves:** I have a question of the Minister of Health. The minister is aware that her ministry passed Ontario regulation 83/89 last February. This would allow staff nurses at public hospitals to sit on committees which would give them a part of the administrative, operational, financial and planning aspects of hospitals across the province. I believe members from all three parties in this Legislature supported that initiative as an important first step towards solving the nursing manpower shortage in the province of Ontario.

Could the minister please tell the House today how many hospitals to date have submitted bylaws determining that they will follow her regulation for her approval and how many she has approved since these nurses were supposed to have been elected by 30 September of this year?

**Hon Mrs Caplan:** I want to say to the member that I understand the issues which are affecting the profession of nursing in this province. That is one of the reasons that we drafted a new regulation to give nurses more say and an important voice in decision-making within hospitals. I want him to know that we have worked with the Ontario Hospital Association to draft and frame a bylaw which has been circulated, and I want to tell him as well that I believe that

much more can be done to see those regulations implemented to achieve both the spirit and the intent of those new regulations.

**1410**

**Mr Eves:** That was all very interesting and very thoughtful on the part of the minister, but she did not answer the question that was asked.

It is our understanding that a joint Ontario Medical Association-Ontario Hospital Association prototype bylaw has been submitted to the minister for her comment and approval. It is also our understanding that the Ontario Nurses' Association and the Registered Nurses' Association of Ontario had no input into the drafting of this prototype bylaw. As a matter of fact, I have talked to the ONA, the RNAO and the Ontario Hospital Association this morning, and they have indicated to me that they have not received any response from her with respect to this prototype bylaw at all. Nurses from around the province have written me expressing their concerns. It would appear that although some hospitals are willing to comply, the majority of hospitals in the province, I think it is fair to say, and in the view of the ONA and the RNAO, are not complying or prepared to comply in the way we would like.

**The Speaker:** The question?

**Mr Eves:** What is the minister doing to ensure that this regulation and this provincial law is being upheld and that a suitable type of bylaw is being put in place in all the public hospitals in the province?

**Hon Mrs Caplan:** I cannot stress strongly enough in this House and outside this House my determination to see that nurses have more say within the working environment. I believe that is a significant issue both in quality of work life and ensuring that nurses are valued, appreciated and listened to within the hospital system of this province.

But I would say that we are consulting not only with nursing associations but with the Ontario Hospital Association and others as to how it can be implemented in a way which will change the culture and the attitude and foster better working relationships between the employers, the hospitals, and their employees, their nurses. I know that the member would want to share with me the optimism that I have that we will make progress in this province in achieving the objectives which I have so clearly stated.

#### BARRIER-FREE DESIGN

**Mr Dietsch:** My question is to the Minister without Portfolio responsible for disabled per-

sons. Recently I was contacted by a disabled constituent who has designed and built a new home to suit her needs. As the minister can appreciate, my constituent was quite proud of her accomplishments, so proud in fact that she wished to submit her plans for consideration of a Premier's Awards for Accessibility. The new home includes widened halls, sliding doors, a large bedroom on the main floor, a special room with a whirlpool and a large shower for therapy and an office so that she can continue to work at home. Let's imagine her dismay when she learned that there was no category for an individual to enter.

Can the minister inform this House as to why an individual, disabled or not, cannot enter the competition for the Premier's Awards for Accessibility?

**Hon Ms Collins:** I want the member to know that I am familiar with the case to which he has referred. The Premier's Awards for Accessibility were created in 1985. The criteria used to judge applications include innovation, access, integration, utility, safety, practicality and interior design.

Regarding the case to which the member refers, these awards were conceived specifically to raise awareness of design issues, of which the disabled community are only too aware, and this is why the awards have been targeted towards architects and other design professionals. Having said that, I want to inform the member that we are more than happy to accept applications from anyone who has made an effort to design his or her home or workplace with barrier-free concepts.

**Mr Dietsch:** I know that everyone knows that able-bodied people take for granted the ability to move independently and that a disabled person must always consider the physical barriers to moving from place to place: Are there any stairs? Will doorways be wide enough? Will I be able to use the washroom? These are questions that are common for the disabled, and I hope we will consider such a category for individuals such as Linda Crabtree.

I would like to ask the minister what her office is doing to encourage and promote barrier-free design in the province of Ontario.

**Hon Ms Collins:** The member is exactly correct when he talks about the physical barriers which confront disabled persons daily. These are the types of problems which we are trying to make the design profession aware of through the Premier's awards.

The members of this House should be aware that in response to the United Nations declaration of the Decade of Disabled Persons, this government formulated its own proclamation. Principle 4 of this proclamation states, "Public co-operation will be sought to promote positive action in broadening access of persons with disabilities into the life of the community."

This government believes in that principle, and I would like all members of this House to know that my office funds the Barrier-Free Design Centre, located at Sunnybrook Medical Centre. This centre's mandate is to inform design professionals of the aspects of barrier-free design. It also serves as a clearinghouse for new products and information—

**The Speaker:** Thank you.

## RENT REGULATION

**Mr D. S. Cooke:** I have a question for the Minister of Housing. I would like to refer to a publication called The Rent Review Publication. It is produced in Burlington by a couple of consultants, one of whom used to work for his ministry in the rent review section. I would like to quote very briefly from this publication. They are putting on a seminar on 30 October which the minister might want to attend.

It says: "This practical seminar will be taught in a by-example method, stressing the 'how to' aspect of the legislation. We will teach you how to sell rental property by using the system. Here is what you will learn:

"How and why the new legislation contributes to apartment flips....

"We have only one purpose for this seminar. That is, simply to teach you how to sell more rental property under rent controls."

Would the minister agree with what we have been saying for months, since the new legislation came in, that his rent review legislation contributes to apartment flips, which directly contributes to huge rent increases by tenants in this province?

**Hon Mr Sweeney:** The honourable member is well aware of the fact that when the rent review legislation was changed, I guess it is three years ago now, there was a clear limitation of five per cent on the amount that could be passed through in terms of refinancing a building. That was, as the honourable member is well aware, to counteract the situation that existed at that time, where the entire amount was requested as a pass-through cost.

I think there has been a significant change. I am not sure whether the honourable member is



suggesting (a) that buildings not be permitted to be sold, or (b) that there be no pass-through costs, but I think the change in legislation has certainly improved the situation that existed previously.

**Mr D. S. Cooke:** I think the minister has to get a better grasp of his own legislation. He will understand that in addition to passing through additional charges for the mortgage, there are also financial loss provisions, and then there are the base rent increases, and we are talking huge rent increases that encourage flips of apartment buildings.

I want to refer specifically to one that has been raised in the House before, 27 Walmer Road. In the last five years, this apartment building has flipped five times. The cost has gone up 265 per cent. This is a major problem. Yesterday, the minister agreed there was a major problem with the capital costs and renovations that are not required. Is he prepared to agree this is a major problem, and what proposals is he prepared to put forward to plug this second loophole?

**Hon Mr Sweeney:** I think the honourable member is also aware of the fact that in the change in legislation, there was an inclusion, for the first time, of costs no longer borne; in other words, that those kinds of pass-through costs that originally just were put on and kept there for ever and a day now are removed once that cost no longer exists. So it is a two-way street.

It is true that when additional costs are incurred, the landlord has the right to ask for a share of those additional costs. It is equally true that when those costs no longer exist, when they have been accounted for, then they are no longer borne and therefore cannot be included, and there is a reduction, as a matter of fact.

#### EAST METRO TRANSPORTATION

**Mr Cousens:** I have a question for the Minister of Transportation. On 22 June of this year, the Legislature approved a private member's resolution I tabled that called on the House to consider the east Metropolitan Toronto transportation corridor and called upon the minister to conduct a detailed study that would involve Metro, Scarborough, Markham and Pickering, to look at the transportation needs and the environmental concerns as they relate to the east Metro expressway, as it is so adjacent to the Rouge Valley.

I would like to ask the minister if his ministry has begun that process, and what progress report he can make on this study that we called for in that debate four months ago.

1420

**Hon Mr Wrye:** I am certainly aware of the point that my honourable friend makes about that resolution back in June on this very important matter. I can advise the honourable member that a very intensive review of the east Metro transportation corridor proposals that we have had in the past, and indeed an intensive review of the mix of transportation needs in the eastern part of Metropolitan Toronto and indeed in York and Durham regions, is well under way within my ministry, and to the extent that we will involve others in the ongoing discussions in the future we will be doing so in the next short while.

**Mr Cousens:** That is not much of an answer. In fact, stop calling it question period, because we are not getting any answers out of the ministries, even in estimates. I have asked the minister point blank: What is he doing on this? It happens to be a major concern to all of us. This House would not have approved this resolution four months ago if it did not believe there was some importance to it. It happens that the minister cannot come forward now and tell us what he is doing. He is always studying, but he never tells us what he is studying. He has never come forward with a report. Could he tell us what proposals are on the table with regard to the east Metro transportation corridor, and if any other alternatives are being looked at, what are they?

**Hon Mr Wrye:** The honourable member for the third party seems to forget some of the things that are happening in the east Metro corridor. The honourable member forgets that just yesterday he was up on Highway 404, where we opened a \$22-million project. Regrettably, the honourable member could not attend the sod-turning which began the construction on the nearly \$250-million widening of Highway 401, 12 miles from Morningside, which we also got under way earlier this month. Regrettably the member could not or has not noted some of the very dramatic improvements we are undertaking to get Highway 407 under way, which will eventually move out to the eastern part of Metro.

We are looking very carefully at the east Metro transportation corridor and at the impacts of the proposals and the feedback that has been received, and certainly the environmental concerns that have been received, and in the next short while we will be coming forward to the Legislature and indeed to the affected municipalities to hear their thoughts on the various options available to us.

## INTER-CITY TRANSPORTATION

**Mr Adams:** My question is also for the Minister of Transportation. The people of Peterborough were rocked by the announcement of the closing of the Toronto-Peterborough Via Rail route. As members know, that route is very important to our region, but so are the widening of Highway 115 and the extension of GO Transit into and beyond Oshawa.

My question to the minister is this: Is there anything being done to speed up the widening of Highway 115?

**Hon Mr Wrye:** I appreciate the ongoing concern of my friend the member for Peterborough, and indeed of the people in Durham and other regions east of Metro, over the decision by the federal government to walk away from its responsibilities for inter-city transportation at a time when this government is putting literally unprecedented amounts of money into the same system.

The member will be pleased to know that we have made great progress in the process of upgrading Highway 115, which began I believe in 1986. As of now, that program is on schedule for completion in 1992 and will be completed thanks to part of the \$2 billion of additional money which the Treasurer (Mr R. F. Nixon) so graciously provided in the budget. I am very pleased to have that money so that the final two contracts can be awarded in 1991, and this very important project, with commuter parking lots along the way, will be completed on time.

**Mr Adams:** I am grateful for that reply. As the minister knows, I see the widening of Highway 115 and the extension of GO Transit into and beyond Oshawa as being linked, as providing a transportation corridor between Metro and Peterborough. I ask the minister now: What are the plans for the extension of GO Transit into and beyond Oshawa?

**Hon Mr Wrye:** I can tell the honourable member that certainly the government is moving very aggressively, as he knows, to ensure the expansion of the GO Transit system in those areas which this Legislature has ruled and has legislated an appropriate measure of mandate for GO Transit. We are committed to spend an additional \$400 million over the next five years on capital improvements alone.

In terms of our movement of the Lakeshore line eastward into Oshawa, I can tell the honourable member that a great deal of work is now under way and is nearly completed on the environmental assessment report. It will be

submitted in the near future and we hope to be able to move forward just as quickly as possible to take the GO Transit services further east than its current Whitby terminus.

## RENTAL HOUSING PROTECTION

**Mrs Grier:** My question is for the Minister of Housing and it concerns a landlord known as Ariann Developments and a tenant whose name is Sylvia Blackman. Ms Blackman has been a tenant in a building on Christie Street for nine years and has never missed a rent payment.

Last April, she received a notice of eviction on the grounds of nonpayment of rent, which was eventually withdrawn, but when she returned from being out of the country last July, she found that she had been evicted, that the locks had been changed on her apartment door and the contents of her apartment had been seized. She has been to court twice but she is still without a home and without her possessions.

Surely the minister must agree that tenants deserve greater security of tenure than this woman has had, and what does the minister intend to do about it to make sure that Ms Blackman is reinstated and that another tenant is not subject to the same kind of harassment?

**Hon Mr Sweeney:** The honourable member has referred to a situation where, at least as I understand it, the law has clearly been broken, and that the tenant in question has access to the courts to get remedy for the law being broken. The honourable member would be well aware of the fact that the minister has no greater power than the court has and, as a matter of fact, does not even have the power that the court has. I certainly would be prepared to look into this on an individual basis, but I do not have a solution beyond the power of the courts to make a ruling and to enforce that ruling. Our job is to pass legislation.

**Mrs Grier:** The courts have not served this particular tenant well; I grant that. But this government has not served the tenants of Ariann Developments well either. That company lost its charter by a technicality some months ago and on a motion by the member for York Mills (Mr J. B. Nixon) was reinstated by this government despite the fact that many tenants of the company came before a committee of this House and said: "This is a bad landlord. He ought not to be allowed in business."

In my constituency, at least 50 tenants have been served with incorrect eviction notices by this same landlord, and I have asked the minister if he will investigate under the Rental Housing



Protection Act allegations that this landlord is attempting to gain vacant possession so that she can then demolish affordable housing and replace it with luxury condominiums.

Will the minister agree to take action within the powers that he does have under the Rental Housing Protection Act?

**Hon Mr Sweeney:** If we are talking about the same landlord I think we are, the honourable member will be aware of the fact that the ministry has charged her under legislation. I believe that case is coming before the court in December. Where there is clear evidence that the act has been violated—I cannot prejudge what that decision will be; we will simply have to wait for it.

However, the other point I would make is that there have been some activities on the part of this landlord, we have investigated them and the ones that have been brought to our attention do not appear to violate the Rental Housing Protection Act, and until the act itself is actually violated we do not have the power to charge her any further.

1430

#### VIOLENCE AGAINST WOMEN

**Mr Jackson:** My question is for the Premier. He would be familiar with his 14-member interministerial committee dealing with sexual assault and family violence, particularly violence against women. I would like to ask the Premier, what is his understanding as to the time frame for completion of that report and when will it be ready for legislative action by his government?

**Hon Mr Peterson:** I think the Solicitor General will be better able to help the honourable member with his question.

**Hon Mr Offer:** The member raised an important issue dealing with the interministerial committee, currently chaired by the Ontario women's directorate. This is a committee that is designed to address a number of issues: short-term and long-term financing, the whole question of education, the whole question of what these centres are designed to accomplish and how best they can accomplish it. This committee has been working for the past while and I am currently awaiting a report dealing with these very important issues.

On the time frame, I must say that I cannot give the member a specific date right now, save to say that they are currently meeting and addressing these very important issues. I am looking forward to receipt of their final report in the very next while.

**Mr Jackson:** I hope the Premier will listen to the supplementary because there is a serious concern of women's groups all across this province about sexual assault crisis centres and battered women's homes. There are a series of services that have written letters to his government and they have been told that the Solicitor General's hands are tied because ministries are not yet ready to report. Even in the Premier's own Solicitor General's response he talks about the breadth and complexity of this problem, but he does not talk about the importance and seriousness of it in terms of its human consequences.

My question to the Premier's Solicitor General is simply this: If centres are having to turn away many women who are victims of violence, if our court support programs are being cancelled and if our medical support programs for doctors are being cancelled, when will his government put a priority and resolve to bring forward that report and give some legislative life and action to that agenda, which the women of this province deserve?

**Hon Mr Offer:** In the original question, I dealt with the whole issue of the interministerial committee but there is of course an ongoing need of many of those centres for immediate funds. It was just last week that I personally signed letters to each one of those centres throughout this province that allocated over \$300,000 so that they would be able to continue to meet the needs of those they have been designed and set up for.

In addition, I have clearly come to grips with some specific needs, with Hamilton and with the Barrie crisis centre, specifically with immediate dollars needed, and those dollars have been sent so that they can continue to meet the needs of the people they were designed to help. This particular ministry and this particular government have clearly indicated their continuing—

**The Speaker:** Thank you.

#### CONTROL OF RABIES

**Mr D. W. Smith:** I have a question to the Minister of Natural Resources on the incidence of rabies—

Interjections.

**The Speaker:** Order. Would the Attorney General (Mr Scott) and the member for Burlington South (Mr Jackson) control themselves.

Interjections.

**The Speaker:** Order. We would like to hear the question. The member for Lambton.

**Mr D. W. Smith:** As I said, I have a question for the Minister of Natural Resources on the incidence of rabies in southwestern Ontario, particularly in my own riding of Lambton. She will likely know that rabies in southwestern Ontario is the highest in the province; in fact, it is the highest in North America. It is costing us, the government, a good many dollars. Each year hundreds of Ontario residents receive anti-rabies vaccine because they have come in contact with these rabid animals. It has been estimated that rabies costs over \$25 million annually in vaccination, diagnosis, compensation to farmers and education. I would like to ask the minister if she could explain and outline the steps that are being taken to reduce this serious health risk.

**Hon Mrs McLeod:** The honourable member is quite correct in indicating that the incidence of rabies in southern and eastern Ontario is in fact higher than anywhere on the North American continent. The good news is that in response to that we probably have the most advanced and aggressive program of rabies control on the continent.

We have a very aggressive program of immunization for foxes using an oral bait vaccine in Metropolitan Toronto ravines and in eastern Ontario we have just begun the first aerial drop of oral bait vaccines. This is an experimental program that has been developed by the Ministry of Natural Resources and it is actually attracting attention across the world. We also have a very effective skunk immunization program in the Metropolitan Toronto area.

They are experimental programs. They are being very closely monitored, but we are optimistic of success. In fact, our projection for next year in southern Ontario is that the incidence of rabies either will be stable or will actually decrease.

**Mr D. W. Smith:** As the minister has mentioned, there is quite an outbreak of it in urban areas, and down in southwestern Ontario, in particular in the Windsor area. I wonder if the minister can explain why the ministry is not there when the outbreak begins? Perhaps the minister could just give us a little more detail on that.

**Hon Mrs McLeod:** The outbreak of rabies will normally follow certain patterns that can be projected on the basis of the epidemiology of the outbreak, but there are some times when it occurs in unusual circumstances and that was the case in Essex county in 1988. It is not always possible to predict where that outbreak will come and it is not always possible to begin what is still an experimental immunization program in advance

of that. We are certainly working very closely with health officials in the Kent-Essex area so we can ensure that there is no risk to human health and that there is protection for livestock and domestic animals.

## NORTHERN TRANSPORTATION

**Mr Pouliot:** My question is to the Minister of Transportation. I noticed and was happy to see that the minister was very quick off the mark right after the announcement of curtailment of Via Rail services throughout Canada, more specifically, affecting Ontario. Yet I wonder if the minister is aware of a study of rail passenger service to and from northeastern Ontario by a special panel sanctioned and funded by the Ministry of Northern Development and Mines in conjunction and association with the Ontario Northland Transportation Commission that was commissioned in the spring of 1989 before the Via cutbacks were announced.

This is what the objective read, "The Ministry of Northern Development and Mines, in association with the Ontario Northland Transportation Commission, wishes to review with the people of northeastern Ontario, individually and collectively, the appropriateness of rural passenger service provided to the area."

**The Speaker:** The question.

**Mr Pouliot:** "The objective will be to consider whether in the light of high cost and apparent lack of users reduced service at lesser cost can be in fact provided."

**The Speaker:** Do you have a question?

**Mr Pouliot:** My question is as follows: Is it true that the report highlighted the following, "The desire to reduce the cost of the transportation subsidy on both the short- and long-term basis"? How does the minister explain the contradiction?

**Hon Mr Wrye:** I would prefer to explain it by referring the question to the Minister of Northern Development (Mr Fontaine), but he is not here today. The member will know that the Rukavina task force was set up, as he pointed out in his question, by the Minister of Northern Development. I can advise him that I understand from my colleague the minister, who is unavoidably absent today, that the work of the task force is complete and the report is in and is currently being translated. Until that report is released, I cannot otherwise speculate on any of the contents of the report.

**Mr Pouliot:** It is quite all right for the minister to pass the buck, but one thing he cannot do is



escape from his mandate to provide and to develop transportation services in northern Ontario. With great fanfare, they were patting themselves on the back yesterday during estimates saying, "We may. We may not. Maybe yes, maybe no, we will pick up the slack." When is the minister going to make a commitment that for whatever service is not being provided to the people of northern Ontario, the government in accordance with its mandate will pick up the slack and keep providing that essential service?

**Hon Mr Wrye:** I am just astonished that this member and members of his party are so quick and so prepared to allow Ottawa to walk away from absolutely everything. It is just astonishing to me.

The honourable member should know, and I would have thought would have been the first to say, that this government is not only fulfilling its mandate in terms of road transportation as we work on improvements to Highway 17, Highway 11 and Highway 69, all gateway roads to the north, as we open up five additional remote airports this year and prepare to open up an additional two or three remote airports in northern Ontario next year. I say all this because, for example, with remote airports, of the 21 remote airports in northern Ontario 10 are in that honourable member's riding.

1440

**The Speaker:** New question, the member for Simcoe West.

**Mr McCague:** Mr Speaker, do you think we could interrupt the Minister of the Environment (Mr Bradley) for a moment?

Interjections.

**The Speaker:** The member for Stormont, Dundas and Glengarry has a question.

#### AIR QUALITY

**Mr Villeneuve:** To the Minister of the Environment: The minister, I am sure, is aware of a conference called Let's Clear the Air, a week ago, right here in this city of Toronto. Can the minister tell this House why he has not taken steps, following the American lead I might add, to ban MMT as an octane enhancer and to legislate a certain percentage of oxygen content in our fuels? The US is way ahead of us on this one. We are looking for the minister to do something towards clearing the air.

**Hon Mr Bradley:** Last week, at the meeting of the Council of Environment Ministers of Canada, an awful lot was accomplished in terms of cleaning the air in this province and right

across this country. The member will know that I brought forward the proposal some time ago that we move in all of Canada to the proposed California standards for automobile emissions. I am pleased to report that the ministers collectively acted upon this proposal that the Premier of Ontario (Mr Peterson) made at the conference of first ministers of each of the provinces, and moved forward on that.

In addition to that, I can tell him that there was an undertaking that across Canada they would follow the lead of Ontario in the vapour pressure, which comes down from 11.5 to 10.5, therefore producing less smog in the gas.

I can tell him in addition that there is an undertaking to work with the ministry of transportation in each of the provinces in terms of inspection of vehicles, which I think is going to be very positive. There are stage 1 catchment systems that the oil companies have agreed to, the gasoline companies have agreed to, which will again reduce drastically the amount of contaminants going into the air.

I must say that I am not always optimistic after these meetings, but there was a good deal of optimism coming out of that meeting.

**The Speaker:** Perhaps the minister could take a breath and let the supplementary come.

**Mr Villeneuve:** The greater Toronto area has almost 4.5 million people, the most concentrated, populated area, in Canada certainly, and in most of North America. MMT is a known producer of carbon monoxide and indeed produces between 75 per cent and 90 per cent of the carbon monoxide in our atmosphere, particularly important in a heavily urbanized area such as the greater Toronto area. Would the minister not consider at least using oxygenated fuels here in the greater Toronto area as a start towards reducing pollution, towards protecting the ozone layer and towards reducing carbon monoxide in our environment? The ball is in the minister's court.

**Hon Mr Bradley:** I think the ball would be in a provincial court if air contaminants did not move from one province to another. Unfortunately, there are no borders between the various provinces that stop all the pollution. Just as in the last meeting we were able to agree—as I say, with the Premier of Ontario and the various premiers meeting earlier this year—coming forward with the proposal to reduce emissions, I would be happy to once again show the leadership of Ontario in bringing further measures to fruition.

When we examine fuels, one of the things we have to consider is that we do not cause a worse

problem when we take certain action. I know the member and I would both want to agree on that. There are certain courses of action that can be taken. For instance, everyone is looking at alternative forms of fuel. I want to assure the member that sometimes when you ban one product, the product that is used to replace it can cause worse problems than the product you have banned. I understand why the federal government has not done this yet and I will be pleased to raise this matter with the federal Minister of the Environment to ensure that on a national basis we assess all of these problems with a view to finding a solution.

### PETITIONS

#### TOBACCO TAX

**Mr Cousens:** I have a petition here signed by 420 residents who are asking the government of Ontario to hold the line on tobacco taxes in Ontario and I submit these petitions as they have been given to me.

#### WASTE DISPOSAL

**Mr Wildman:** I have a petition, and with your indulgence it is in the old, acceptable form.

Signed by 132 permanent and seasonal residents of the Batchawana area, it states that "the waste disposal site at Batchawana is receiving substantial use, not only by permanent residents and cottage owners but from a commercial fisheries plant," and is "not being maintained adequately at present, and poses serious environmental and health hazards."

As a result, the petitioners are petitioning the provincial government "to allocate the necessary funds to ensure that adequate maintenance standards for the waste disposal site"—at Batchawana—"are upheld, and that proper monitoring and enforcement at the site are provided." I have signed it and I support the petition.

#### ASSISTANCE FOR PEOPLE WITH BRAIN INJURIES

**Mr Dietsch:** I have a petition addressed to the government of Ontario with respect to the head-injuries group that is looking for an increase in funding towards rehabilitation, for rehabilitation facilities for the head-injured, and also a redirection of funding for home care for the care of head-injured individuals. It is signed by some 2,000 people from the Niagara Peninsula. I have affixed my signature thereto for consideration.

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Callahan from the standing committee on regulations and private bills presented the committee's report as follows and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr29, An Act to amend the Toronto Baptist Seminary Act, 1982;

Bill Pr33, An Act respecting Grand Valley Railway Co. Inc.;

Bill Pr35, An Act respecting the Ontario Home Economics Association;

Bill Pr42, An Act respecting the City of Guelph;

Bill Pr48, An Act to revive East York-Scarborough Reading Association Inc.;

Bill Pr51, An Act to revive Astcam Co. Limited.

Motion agreed to.

### ORDERS OF THE DAY

#### EMPLOYER HEALTH TAX ACT, 1989 (continued)

#### LOI DE 1989 SUR L'IMPÔT PRÉLEVÉ SUR LES EMPLOYEURS RELATIF AUX SERVICES DE SANTÉ (suite)

Resuming the adjourned debate on the motion for second reading of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

**Ms Bryden:** I adjourned the debate on Thursday and we are getting back to discussing Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

They say there is nothing new under the sun, but I think there is one exception to that at least and that is the ability of the provincial Treasurer (Mr R. F. Nixon) to dream up new taxes, to dream up untried taxes and to continue to load the lower-income groups and the middle-income groups with more taxes, but to leave the well off and the corporations with less and less taxes. That is new for a government which claims that it believes in a progressive tax system, but we are



finding out more and more that it does not believe in a progressive tax system.

#### 1450

The title of the bill is also misleading because it says "to impose a tax on employers for the purpose of providing for health care and to revise the requirements respecting the payment of premiums under the Health Insurance Act." The minister told us last Friday it was a bill to abolish health premiums. As of 1 January no one in Ontario will need premiums in order to obtain full health care. But this bill continues premiums for a considerable number of taxpayers for the first three months of 1990. Therefore, it cannot be called a bill to end premiums on health care.

This is one of the problems with this bill, because thousands and thousands of people have been receiving premium notices in the month of December and they have also received a letter from the Minister of Health (Mrs Caplan) which says, and I quote:

"As announced in the 1989 Ontario budget, OHIP premium payments will be eliminated effective 1 January 1990. This means that after you pay the amount indicated on the enclosed notice, you will not be billed again for OHIP premiums. As always—the minister says—"premiums are payable three months in advance. After 31 March 1990, as long as you remain a resident of Ontario, your coverage will be valid without further payments. Your existing OHIP number remains unchanged and you should continue to use your current identification card. Please inform the Ministry of Health in writing if there is a change in your family status or address. If you have any questions about the elimination of OHIP premiums or about your health insurance coverage, please contact your nearest Ministry of Health office listed below."

First she tells us, in the first paragraph, that premiums have been eliminated effective 1 January 1990 and then she tells all these people, who are pay-direct people who received this letter with their notice, that they have to keep on buying their coverage up until 31 March through premium payments, which they are expected to pay in December.

Certainly this is doubletalk and I think it indicates that the government is trying to pull a ploy of getting three months' coverage out of the premium payers who are on direct pay or whose employers were paying for them and who also have received similar notices for December to cover the next three months. This is really a fraud on the premium payers who are being asked to

pay for three months' extra coverage up to 31 March 1990.

Of course, who gets the money? It goes into the general revenue of the province, but presumably it can be used by whatever ministry the Treasurer assigns it to and it will probably be used to pay part of the transitional costs, as they call it, of getting the new system in effect, the new "premium-free" system in effect.

But these people who are being asked to pay the December premiums feel that the bill should be amended to see that they do not pay a final December premium that covers them beyond 31 December, and the same should apply to employers who pay premiums on behalf of employees. If they have already paid, there is no reason why a refund could not be arranged in order to make the minister's letter a true letter saying that there is no premium coverage after 31 December. That is one of the things that I think we should be looking at as an amendment to the bill to protect those people.

Last Monday, I pointed out that there had been a number of amendments introduced to the bill, at the last moment I may say. To be precise, 20 of them were sent to me the morning of the day on which these two bills, Bills 47 and 46, appeared in Orders and Notices for the day's business. They were all together. There were three of them for Bill 47 and 17 for Bill 46. That is much too late to notify people about substantial changes in the legislation. We certainly did not receive them until Monday morning, the day the bills were to come up.

While it may have seemed ungracious to say to the new minister that he was not improving on the methods of the previous Minister of Revenue, the fact is that he was following the pattern that both Conservative and Liberal governments have followed for far too long in this House, and that is giving the opposition as little as possible notice of amendments and giving them as little as possible information in compendiums.

The compendiums for these two bills, Bills 47 and 46, came very late for us to prepare adequately before we had to caucus them. The demand for the bill from the ministry and from the House leaders came very shortly after those compendiums had finally been received. I think this is an insult to the opposition, which should expect at least two weeks' notice of the compendium in advance, and the amendments should certainly not come on the morning that the bills are to come up because they have to be caucused as well. Therefore—

**Mr Haggerty:** You'll have to talk to your House leader on that.

**Ms Bryden:** I understand the House leaders agreed to that, but the ministry also was pushing to get this legislation railroaded through. Yet, what we are looking at it is a brand-new tax, a tax that has never been used in Ontario before. It is only being used right now in two other provinces, and that is Manitoba and Quebec.

We have no experience with this tax yet. We do not know what its impact will be on the economy and the population. We do not know how much it will be shifted. We do know that it will be considered a corporate expense for all companies who pay corporation tax. Therefore, the taxpayers of Canada will end up paying as much as 50 per cent of it, so that in that sense it is a tax that is not entirely paid by the employers of Canada but is shifted to the taxpayers of Canada.

We do not know how much of it will also be shifted to other people such as those who buy services from employers who pay the tax, such as those who operate transportation services and deliver goods to the employers who pay the tax. We do not know how much it may be shifted to employees in the sense that some employers will consider that it is an employee benefit, even though it is not related to the employee's liability for any health care costs. The employers will still think that since they are paying it to pay for health care for the whole province, wages should be suitably reduced and that this should be considered an employee benefit when you are negotiating a new contract.

#### 1500

It has been touted as a benefit for the entire province of Ontario. All residents will, from 1 January, be entitled to full OHIP coverage without payment of premiums, except for the exceptions I have mentioned. That is a principle that this party has been advocating for a number of years. I think we were the first ones, about eight or so years ago, to come out in a committee report advocating that we abolish OHIP premiums and move to taking it out of general revenue as most other provinces now do, all but two others.

It took the Liberals a long time to come in step with this move, but they finally promised it in 1985 and, almost five years later, they are finally implementing it through this bill. We question whether they looked at the other alternatives.

Did they look at the other options for financing the premium payments which amounted to about \$900 million and whether they could have financed them out of a progressive tax system?

Our party, when it advocated them in its first move, said that it should be financed out of the progressive income tax system.

Why did the government not look at putting in a corporation tax to cover all those thousands of corporations that pay no tax whatsoever—a minimum tax at least, but even more needed, a proper corporation income tax without all sorts of loopholes and concessions?

Why did the government not look at taking the other half of the capital gains tax? The federal government now collects 50 per cent tax on capital gains, but there is still the other 50 per cent, and there appear to be a great number of capital gains being realized these days with the way takeovers and flips are going on. But that other half is completely tax-free at the moment, and it is a source that the government could have looked at in order to have a fairer tax system.

Why did it not look at the succession duty area which this province vacated about 10 years ago, leaving the well-off with absolutely no tax on their assets when they pass on? I do not favour a succession duty tax on the family farm or the family home, but I do on the well-off who have been getting away in this province without paying anything or without their estates paying anything when death occurs. Most other provinces still retain a form of succession duties.

Why did they not look at a wealth tax, which they use in Sweden and which taxes assets rather than income? They are assets which could be used for investment and development if they were put into investment and development under some sort of direction from the government, but if they are simply left to the whims or the desires of the owners of those assets, there is no guarantee that any of them will go into productive investment in the country. A lot of it may go out of the country to other places.

The government has not even looked at a wealth tax in recent years. My colleague the Revenue critic has been suggesting for a number of years that we should be looking at a wealth tax and these other sources of taxation to make sure that we end up, not with a regressive tax system, which we now are developing, but with a progressive tax system, a tax system based on ability to pay. Ever since this government came into effect it has been turning the pendulum in the opposite direction; it has been turning the tax system into a tax system based on regressive consumer taxes, user fees and now things like the employer health levy.

Members may say it is not entirely regressive because it is on employers' payrolls, not on



employees, but as I say, it can be passed on to the other taxpayers of Canada as a deduction from income tax. It also is a tax which hits the people with labour-intensive industries, and that makes it regressive, because most of the labour-intensive industries have big payrolls but small profits, and that is one of the major objections to it.

Another major objection is that the Treasurer has chosen to put in a tax which is virtually without exemptions. That means he is hitting a very wide swath of the population of this province. I think over 400 employers will be covered by it, but a great many of those employers are in the public sector, so that the tax will fall on school boards, hospitals, municipalities, any kind of government agency that is separate from government itself, such as a crown corporation that produces some goods and services. All of those groups will be paying the employer health levy, the employer health tax as it is called, EHT.

I think the letters EHT are going to become as hated as the letters GST, goods and services tax, because they are both taxes which aim to hit as large a population as possible without very much in the way of exemptions to allow for the special effects of such a tax on the people who pay the tax initially but who may have to ultimately impose the tax on other people. I am speaking of municipalities, hospitals, school boards and all such public sector bodies.

It is true the Treasurer has suggested that he is aware of this problem and that those bodies have not budgeted for extra tax starting in January 1990, and their budget year may not be over, so he is going to put up \$23 million as sort of transitional grants to help them over the hump until they can persuade their municipal governments and school boards to raise the mill rate or to cut back on services in order to somehow find the money to pay the employer health tax.

If the school boards and hospitals and municipalities were able to raise the additional money easily, it might not be such a problem, but most of their sources of revenue are from senior governments or from services which the public may be paying for in user fees but which cannot be drastically increased, so that really the Treasurer should completely revamp the grant system to all those public sector bodies which will be hit by the tax in order to see that if the tax is allowed to continue, they will have adequate funds for it. Otherwise, it just becomes part of the government's attempt to foist off on the municipalities and the local government bodies a greater

and greater percentage of the provincial government's responsibilities.

#### 1510

This is becoming a really alarming trend, particularly under this Liberal government. The province and the provincial Treasurer are just ducking out of their responsibilities in a thousand areas and saying, "Let the municipal taxpayer make up the difference or let them cut their services."

We all know what that means. It means no further increases in day care or in services to people or in children's services, and municipalities carry a great many children's services. It means no further increases in cultural grants which municipalities are now having to pick up in many cases because the Ontario Arts Council and other provincial bodies are cutting back on their grants.

All of those trends are making the provincial government richer, it would appear, and the municipal and local bodies poorer. As a result, we are going to have a very much poorer quality of life.

That is another reason why we should be looking at this employer health tax with very questioning regard. As I say, our first line of change would be to produce a genuinely progressive tax system in this province.

I know we cannot do this overnight because the federal and provincial government have let the whole income and corporation tax system become so pro big business and there are so many loopholes for the well-off that they are a very poor instrument at the moment to use for replacing the premium income.

For instance, if the government had to collect the \$2-billion payroll tax through corporate income tax at the moment, it would require a nearly 50 per cent increase in the corporate income tax rate. That is not to say it might not be a deserved increase, because corporations have been getting a lower and lower rate over the years—the personal share of income tax has been going up while the corporate income tax share has been going down—but it would be a substantial change that would be difficult to absorb immediately.

Personal income tax would have to go up to about 61 per cent of basic federal tax. It is just being raised at the moment to 53 per cent under a bill before this House. It was only 48 per cent when the Liberals came in, so there have been successive increases there.

The thing is, if the Treasurer puts it on the personal income tax, he is putting it in a leaky

sieve because the tax is so badly eroded by concessions and loopholes that it is not a suitable way to switch the tax system to a progressive one. It would appear that a payroll tax is the quick fix to get the premium revenue of \$2 billion the Treasurer is going to need.

The premium revenue is actually about \$1.8 billion but the province is deciding it is going to pick up another \$300 million on top of what it needs to replace premiums. That is typical of the Treasurer. When he puts his hand in your pocket, he empties your pocket rather than just taking a share. So to replace the \$1.8 billion in premiums, they are going to take in \$2.1 billion.

They have not told us what they are going to use this money for; whether it will be for health care or any other needs of the Treasurer. It seems that, generally, he is grabbing money where he can, including the entire lottery proceeds, if Bill 119 goes through. Yet it is only a small amount coming from the lotteries, about \$500 million, about which he is going to say, if Bill 119 passes, that he has the say about where it will be spent. At the moment, he is not giving any guarantee that any of it will be spent on culture and recreation. That is another tax grab that is coming this year unless we can stop it.

The employer health tax is also a tax grab that I think is badly designed and which we do not have enough information on to choose as the substitute for the premium income. We in this party certainly support the elimination of health care premiums and we think it is long overdue, but replacing it with a new and untried tax without looking at all the other alternatives for a fair tax system is what we are objecting to.

This is why we intend to vote against this tax, because we think the government has to go the route of cleaning up its tax system, making it fair and basing it on ability to pay, before it tries imposing any more overall taxes such as the employer health tax, without exemptions or further study of its impact and without considering its effect on all the public sector bodies.

The other objection to it is that it will require massive bureaucracy to collect. Again, we do not know what those costs will be. It will produce, undoubtedly, a shift in the amount of business which is done through the present employment picture and will encourage industries to automate more quickly. This will mean a loss of jobs in this province. It is really a very unfair tax because it does hit the labour-intensive industries and it may just be brushed off by the richer employers, who will also be picking up a gain; those who were paying their employees' premiums may

actually end up with more money in their pockets than the amount of the tax because it is relieving them of that premium cost and putting on them a cost that may not be very great if they are a fairly low labour-intensive industry. That is another inequity that comes from this tax.

The effect on small business is also very much feared. Small business itself feels it will not be able to compete in both the local market and with the United States firms under free trade if this additional cost is added to its cost of doing business. And I think those fears are real.

## 1520

It is true that smaller businesses will pay a lower rate of tax, about half of what the top rate is for the employers with payrolls over \$400,000, and then there is a sort of notched provision for a variable rate for those who are close to the threshold between those two thresholds of employers with payrolls over \$400,000 and employers with payrolls under \$200,000. But it is not really helping small business to say that it is a nominal tax and that they should be able to pay it regardless of how many employees they have, because it is a tax that they were not anticipating, that they have not allowed for in their pricing practices and that they cannot absorb nearly as easily as a large business. Yet they are both covered by the tax.

In Manitoba, which has a similar tax, there is a \$300,000 exemption; \$300,000 of payroll is exempt. It seems to me that the government should be looking at the possibility of a small-business exemption in this province, because I know it is going to hear from every small business in the province that this is an unfair tax.

In Quebec the tax is somewhat higher than ours—3.36 per cent compared to our 1.95 per cent—but there are no exemptions of any kind in Quebec, so that makes it a considerably larger burden and it may be leading to more automation and reduction in the number of labour-intensive activities. Again, we have not had enough information from the ministry as to its effect on businesses and while we asked for some of these figures, not very many of them came through before this bill was brought before us. It still looks as though the ministry is trying to railroad through a new and untried tax without sufficient information for the opposition parties to assess it and it is also, presumably, trying to railroad it through this House very quickly by bringing it up on such short notice.

I think we possibly should consider public hearings to let those who want to protest it be heard. I know all those people who are going to



have to pay premiums for the three months of January to March are certainly going to want to protest what is happening there because it really is a tax grab and it is simply helping the ministry to pay its OHIP bills over the first three months with an extra little pot from that extra tax.

Right now only 15 per cent of the total cost of health care in this province has been coming from the premium tax. The rest of it is coming out of general revenue, as it is in all other provinces except the three with the employer tax. So there is no reason why the ministry could not finance the health care system out of general revenue at least in those three months before the employer tax produces any revenue.

I really feel it should postpone the whole thing and finance it all out of general revenue but make our revenue system much more progressive. We are not asking for the ministry to go broke in those first three months when it is not getting the old premium payments in; we are asking it to look at it realistically. It should be financed out of general revenue and not out of those particular people who get caught with continuing premium payments in December for coverage in the first three months of the year.

There might also be consideration given to exempting businesses in their first year of operation. That might be a way of cushioning them from the sudden effect of this tax on their operations and their economic prospects for the year. Again, we would prefer to see the tax not gone ahead with.

I might say we did not make this decision lightly. We believe this government is not carrying out its avowed aim of producing a fairer tax system in this province and it is not carrying out its promises to see that we have a progressive income tax system. It is simply reverting to the old policy of previous governments and it is accentuating that policy of switching to taxes that are regressive, like gasoline taxes, sales taxes, motor vehicle licence taxes, user fees of all kinds, and are just saying that is the kind of tax system it wants.

If that is the kind of tax system they want, they are out of step with the modern world, because they are going to find there will be a tax revolt developing with all the switches to regressive taxes, including of course the goods and services tax, this tax and the one we will be discussing right after this tax under Bill 46, which is the commercial concentration tax. I think it is time they stopped looking at new gimmicks and instead looked at real tax reform.

This is the reason why we have decided to oppose this bill, and we will ask for amendments to change that particular situation that I mentioned about the double taxation for the first three months.

I want to speak briefly about the one significant amendment to this bill that was brought to us on Monday. The government acted quickly to save the employers from having to pay an instalment for the December payroll tax. The original bill started the payroll tax, the employer health tax. It was to become effective on 1 December. So the government thought it was going to get another extra month's revenue out of that tax and the payments would not come in until January, because you usually remit a month later. But it would in effect give it an extra month's revenue, and then the payments from 1 January on would be for the 12 months of 1990.

That apparently created a lot of flak from employers and there was a sudden new amendment brought in which quickly changed the date of the effect of the tax from 1 December 1989 to 1 January 1990, and all reference to a December payment is dropped by this new amendment. It obviously was a backing off by the provincial Treasurer and the ministry from the attempt to get that extra month's revenue for the employer health tax out of the employers, but you notice how quickly they acted when it was a case of the employers paying an extra chunk of tax. That amendment still has to come up before us and certainly it does have the value of starting the whole employer tax system from 1 January on a uniform basis and I think that is desirable rather than starting with an extra month's tax on the people with payrolls over \$400,000, which were the groups that were to be affected by the December date.

#### 1530

I suppose the ministry thought it was a handy way of getting the tax coming quickly from the handful of employers with the biggest payrolls and getting that extra month's revenue in from it, even though that revenue would not come in until January. Now they have got it all worked out so that employers will all pay on 12 months' gross payroll every year, but it will not be calculated until a year later, when the annual return is presented by the company, so that in 1990 there will be payments that will not be based on the exact wages for 1 January 1990 to 31 December 1990, but when the adjustment comes around at the end of the tax year the actual payrolls for those 12 months will be covered but there will not be that extra December one if this amendment is

adopted. So as I say, it is one amendment that the government acted quickly on. They really are still leaving the tax on 12 months, as it was intended originally, but the timing of the payments coming in has been changed so that the year they settle up is 1991.

Since we are opposing the bill, we would oppose any amendment to it as well. I do want to urge members to consider whether we are not moving too fast on this bill and whether we should not be looking at alternative methods of raising the money which is needed to replace the premiums and let's get on with providing our population with adequate health care without the hassle of whether you are covered for this month or next month or whether you dropped out because you were unemployed or because you got behind in your payments. I think that is a step forward that our party has been advocating for a long time, but let's finance it in a sensible way based on a fair tax system.

**Mr Daigeler:** Let me say first of all how pleased I am to finally be able to address this House on a major piece of legislation. I had previously prepared some four speeches on other topics; however, mostly because of prolonged speeches by the other side, I had been unable to follow through with the actual presentation. Perhaps the Treasurer, in his usual wisdom, could consider a Queen's Park verbosity tax, whereby long and repetitive interventions would become taxable.

As a Liberal, I fully support the second reading of Bill 47, the Employer Health Tax Act. As my honourable colleague the Minister of Revenue (Mr Mancini) has pointed out, this act puts Ontario's health care financing on a sound financial basis. It honours my party's commitment towards a simplified and progressive taxation and it does this in a manner that is fair and equitable for employers.

Let me start with the last point first. Most employers know that a healthy worker is a productive worker. Therefore, many already pay 100 per cent of their employees' OHIP premiums and should see little change through the employer's health tax. Employers make use of Ontario's infrastructure and of its natural resources and part of that resource is our people. To invest in health care is to support our most valuable resource, namely our workers. With the employer's health tax all employees will contribute to the continued health of our most precious commodity.

Moreover, the tax has been graduated so no employer will be unfairly burdened. Smaller businesses will pay a smaller percentage, based

on the size of their payroll. Companies with high payrolls will pay a higher percentage. Of the three provinces to fund health care through a payroll tax, Ontario still comes in at the lowest rate.

Our business climate will remain competitive, not only with other Canadian provinces, but also with our neighbours to the south. American employers pay as much as 9.7 per cent, almost 10 per cent, of their total payroll on their employees' health care costs.

Finally, small business people will get an additional break in the tax by having to remit only quarterly. Treasury statistics indicate that 85 per cent of Ontario businesses will in fact fall into this category of a lower taxation rate and a quarterly, rather than monthly, remittance.

The second important feature of this bill is that ordinary Ontarians will realize a big saving by the introduction of this new measure. If you were paying OHIP you will save some \$714 a year. And even if your OHIP premiums were paid for, you will still save some \$274 at the end of the year because OHIP premiums will no longer be a taxable benefit.

May I remind members, and especially the members of the official opposition, of the Social Assistance Review Committee. This report, applauded by all three parties, although I am not sure whether that did include Right Wing Runciman, stated that OHIP payments should be abolished. SARC's mandate was to look at our assistance programs for people with limited incomes. As the past chairman of the Liberal caucus committee on social policy, I am proud to see my government make life easier for low income Canadians with the adoption of this bill. We will move further towards the medicare system envisaged by Justice Emmett Hall, one that is equitable and financially accessible to all.

Finally, I am pleased to see a simplified system of health care financing. Soon gone will be the cumbersome collection system of individual contributions, family plans, partial or full employer coverage and premium assistance for students, seniors and welfare recipients. With the proclamation of this bill all Ontario residents will automatically receive health care coverage. Indeed, because of this simplification in the collection of the money, the Ministry of Revenue estimates that some 50 fewer civil servants will be needed to collect this tax, as compared to the collection of OHIP premiums.

In conclusion, I would like to say again that I proudly support the Minister of Revenue and my government on Bill 47, An Act to impose a Tax



on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

1540

**The Acting Speaker (Mr Breaugh):** Are there any comments or questions on the member's statement?

**Mr Curling:** Just comments on my colleague. As I sat here and listened to my colleague's understanding of the bill and the passionate way in which he believes in this, I feel very proud to be associated with him. I did not want to make any comment, but I am moved to make that comment. I am sure that after that speech, this bill will be unanimously endorsed without any amendments.

**Ms Bryden:** I would just like to ask the member if he has really studied this bill and what its economic impact will be on small business and large business and also what the cost will be to big business, because it looks in many cases as if they will get off with the least expenditures and the public sector will end up paying very large sums that they have not budgeted for and that they have no means of raising. So has he really studied all the economic impacts? Should we not delay the thing and possibly look at other alternatives or at least look at the implications of this tax for our economy?

**Mr Haggerty:** You still want OHIP premiums then, do you?

**Mr Jackson:** I am quite moved by the member for Scarborough North's (Mr Curling) defence of the member for Nepean (Mr Daigeler). I rather witnessed a very passionate, heartfelt reading of his prepared text and I thought he had captured the intent of the writer, whomever it may be, but that was the passion I noticed.

I would like to commend the member for his text. I do not agree with him and I wish that perhaps, instead of reading those texts, he would have time to examine more fully the breadth of opinion which is being represented by all of his constituents, who the member undoubtedly would admit have written him with serious and legitimate concerns from the employer's perspective in terms of affordability and from the perspective of the consumer, who knows that in many circumstances the costs associated with this will not just be limited to a transfer payment to this government, but will be put down on to the costs of the services and goods and commodities. Whether it is groceries in the store, whether it is

an automobile that is purchased on a lot, these new taxes will be passed on to the consumers.

When 30 per cent of the citizens of this province were not paying any form of health insurance and were receiving those services without any examination of their pocketbook, those very citizens—predominantly seniors on fixed incomes, low-income groups—are the very people who will now have to dig deeper into their pockets to find the necessary money to pay at the grocery stores which are going to pay millions of dollars because of their employees.

This government would love to index this tax, but it will do nothing to index the pensions and other services which this government foots the bill for. This is an insidious double tax and I would hope that the member would reflect on those passionate insights, which I am sure he has read from his constituents' mail.

**Mr Daigeler:** First of all, I would like to indicate to the member for Burlington South that so far at least I have been in the habit of preparing my own speeches based, I admit, on some notes from people who work for either the ministry or myself, but if he would see my light on in the evening, he would note that I do prepare my own speeches.

With regard to the member for Beaches-Woodbine (Ms Bryden), I must say I am rather surprised to see the strong defence of the business community from the side of the official opposition. I would have thought that they would have been very, very supportive of the idea of eliminating the OHIP premiums and really applaud this initiative rather than ask for a further delay of this very significant undertaking that should benefit especially those people for whom the official opposition always claims a monopoly of interest and representation.

To the member for Burlington South, I would like to indicate that I have had very little representation so far from either business or constituents, other than to say that they appreciate this initiative and that they realize, yes, there is a cost associated with it but that, given the rising health care costs, they do realize that they have to contribute towards the financial expenses that are associated with the quality service that is being provided in this province.

I can say to the member for Burlington South that I think this measure, while it does cost us something, will be fully accepted. It will be welcomed once it is implemented, and I look forward to representing the government on this matter.

**Mr Jackson:** I wish I had had time to prepare copious notes on this bill. I was just advised four and a half minutes ago that they would like me to come in and speak about it. However, I have been reading my mail and I have been listening to my constituents, and I did undertake, as I see did several members of this House, to conduct a provincial election in my own riding of Burlington South back in 1985 when this whole issue of the status of OHIP premiums and payments was undertaken. I recall at that time I resisted the very sexy and attractive political platform of the Liberal Party that "we are going to eliminate OHIP premiums."

**Mr Curling:** Which we have done.

**Mr Kerrio:** It was a mistake. Look how few there are of you.

**Mr Jackson:** Are you talking about your cabinet or are you talking about—

**Mr Kerrio:** Whatever.

**Mr Jackson:** All right. I guess the point I want to make here is that the genesis of this bill came from a party that was attempting to appeal to the voters without having fully thought through the implications of implementing a revenue measure that will have dramatic and potentially devastating effects on the structure of our business community.

There are a lot of reasons that I find fault with this bill and the approach that the government has taken. There are very few redeeming qualities to this piece of legislation so I will try to be fair and deal with both. But I must admit that my Ben Franklin list is overwhelming in the area of condemnation for a bill and what its intention is.

Let's look at what our Treasurer did. As I recall, the Treasurer promised that they were going to eliminate OHIP premiums. Did they do that? No.

They said they were going to freeze the payments. This is a popular thing to do because previous treasurers have had to do the politically unfavourable and unpalatable process of raising OHIP premiums. It occurs at the time of a budget. It is immediately met with resistance, and the government has traditionally reacted by removing more and more people from the group which was part of the pool that paid that OHIP premium. As I indicated earlier in my response to the member for Nepean, that had risen today to where almost 30 per cent of the citizens of this province do not pay OHIP premiums.

Although that process may have required improvement, I clearly reject that the government's solution is the most appropriate one. The

Treasurer in a very clever fashion has taken the costs of OHIP and he has indexed them. He has indexed them and hidden them both at the same time by making this move.

Because the government does not have the political will to face the people with the truth about escalating health costs, what is it going to do? It is going to hide it as an employer tax, an employer levy, and hit every person in this province—the poor, our senior citizens, corporations, small business people. Everybody is going to be hit by this and every year that will increase.

If a labour group goes before the Ontario Labour Relations Board and gets an arbitrated settlement on the basis of appropriate criteria and it gets a seven per cent or an eight per cent increase, well, the Treasurer gets a seven per cent or an eight per cent increase on his tax. It just automatically passes through to the Treasurer. Does anybody see that? Does anybody recognize that? No, they do not.

So I must state for the record how disappointed I am at the government, which will not deal with the upfront costs of health care in this province but continues to hide them.

#### 1550

That thesis has some merit. If members look at what this government has done in the last five years in terms of addressing health care costs, it is a consistent pattern. Health care consumers of this province have the right to know the extent to which they are creating a burden on the taxpayers of this province. Philosophically, members may disagree with me, but I think a citizen has the right to know how much he is using the Ontario drug benefit plan, which is paid for by OHIP. I think a citizen has the right to know how much he is costing the system in order to achieve his level of wellness, and I think it is responsible for a government to turn to those people and say, "We will protect you financially from any adverse harm for the costs of the health care, but we think you should understand what your costs are doing to the taxpayer."

I recall bills 55 and 56 which radically altered the Ontario drug benefit plan. When we suggested that the citizens of this province be advised of what their costs are, their cumulative costs, associated with the drug benefit plan, that they be informed of that, that it be recorded, the Liberal government said no.

Another example is the approach that this government took to Bill 94 in its negotiations with doctors. We specifically stated, "Why don't we let the citizens of this province know what we pay our doctors for any medical procedure?" Not



this government. "We can't let them know what that costs." So do the citizens really understand what the costs of health care mean to them?

Today we are left to understand the meaning of health care costs by virtue of what is not happening in our hospitals, why services were being denied, why medically necessary procedures were denied. Citizens would participate in the debate on access to health care if they knew more clearly what the costs of their health system was and the degree to which they were contributing.

So I say to the Minister of Revenue who is present and who is listening attentively, and I appreciate that, that as a new Minister of Revenue, it is a significant issue for us to address as to whether or not the public understands the implications of the tax they are being called upon to pay.

From that basis I want to address this bill. I can say unequivocally, up front, that I have had a significant amount of mail, more so than on many issues, from my community on this issue. They are very angry and upset. They are angry and upset at the lack of consultation; they are angry and upset at the speed at which this government is moving to implement this legislation; they are angry and upset at what the government denied was a form of double taxation when the citizens of this province, the almost 60 per cent who do pay through their companies and through their—I am sorry, almost 70 per cent between individuals and company contributions. Those citizens have paid their premiums three months in advance and therefore, in accordance with when the implementation of this bill is to occur, on 1 January, today they should not be paying any additional premiums to OHIP, but this government says, "Not so."

At first they denied it is a form of double taxation, that we are asking companies to pay their OHIP premiums for the months of January, February, March and April of next year. At the same time, people can open a newspaper and read that they are going to have to come up with two per cent of their entire payroll effective 1 January.

The government, to its credit, has begun to acknowledge the reality of that, and its latest defence is to say, "Well, we can't afford to be without the cash." That is not satisfactory. That is not satisfactory to a whole host of Ontario citizens, with the exception of Nepean; I understand that they are unaware they are paying the double tax and therefore have not written the member. But I understand that in many areas of

this province, people understand it for what it is. It is a double taxation.

The government has the right, I suppose, to say: "Well, it's not that painful. We're only gouging people for two or three or four months." The government has the right to say it cannot survive without the cash flow. I am not taking that away from it, but when, behind closed doors, the government can come up with these kinds of tax schemes, without consulting with the business community, without, I dare say, consulting with its own caucus about the implementation of such a bill, it is invariably going to run into these unfair and discriminatory reactions to a bill; natural consequences of a bill that is structured in this way.

And so headlines like "Queen's Park Accused of Double Billing During Transition to Health Tax," and many other types of headlines, which I obviously do not have in front of me. I should not have lost this one, because it says, "Double Taxation Plan Costly, Tories Warn." These are just two of dozens of headlines across this province. Does the government say anything about it? "We just need the cash flow."

I know that the Minister of Revenue does not accept that as an answer when he goes knocking on some business's door, which cannot make its payroll, which cannot pay its suppliers, but God knows it is going to pay the government and pay the tax man. The government cannot live without the cash flow, but it expects businesses in this province to.

As one of the minister's earliest and first bills, I would hope he would reflect on the philosophical underpinnings of this tax and I hope it is the last tax of this nature that he has to defend in this House. I doubt he is proud of it but I am not going to ask him that question because I know he is going to respond to my comments in a few moments, anyway.

I am concerned that the Treasurer has developed this form of tax in the manner in which he has. I wish perhaps that, like many members of this House, at some point in his life he had a payroll to meet; if he had the experience of taking an employee into his office and saying: "I'm sorry, but here is the bottom line. I'm going to have to let you go."

In 1982, when political parties were dreaming up these promises to curry favour with voters, we were sitting in this House comfortable in the knowledge that in majority government we would not face the taxpayers until 1985 but, in reality, out there on the streets, businesses were cutting their overhead just to survive. Any

government that thinks for a moment that those days are gone and may never return is playing with the fate of our province and is playing with the lifeblood of our workforce: That is the right to have a job.

When we take a tax like this and we add it as yet one more tax on top of any employer, whether he is in the private sector or the public sector, we have to understand the consequence and the need to say no once in a while.

I, for one, have resisted the notion that health care in this province is free. It is not free, it never will be free and it never can be free. In fact, the costs of health care are probably the greatest single challenge that this province will meet in the next 10 years.

The road to meeting that challenge should not start with hidden taxes. It should not start with conveying a taxation system that lacks, in my view, the honesty as to what it really purports to do. It should not punish those people in society who are contributing and it should not lay out a promise that things in this province are free.

**1600**

I would ask that the minister reflect on those comments. I, for one, cannot support this bill. My conscience and my constituents prevent me from supporting this bill. I hope this government will soon begin to develop an understanding of the real challenges in health care and not take the easy route out and simply say that the citizens of this province have an infinite capacity to be taxed.

**Ms Bryden:** I feel that the previous speaker has brought home to us the fact that this is a matter not just of dollars and cents but of people's attitude towards the guarantee that this province has given in the past, that health care would be available to everybody without restrictions or difference in treatment but as a right. But I think the member has indicated that the route that is being chosen to make this come true is a questionable route.

I would like to ask him if he has specific suggestions as to what route we can take besides voting against the bill, because we really are facing a very important dilemma. We want to remove premiums, but we want to have a fair tax system in this province and to finance as much as possible out of the general revenue fund.

**Mr Jackson:** Quite frankly, I was hoping the member for Scarborough North would get up and talk about passion again, but he did not.

I am very pleased to respond to my colleague from the New Democratic Party. It is clear, if she was listening to my comments, that the issue of

integrity and the way in which the government articulates the role of health care is at issue here.

I cite, for example, the fact that this government, in all of its bravado, undertook a major campaign to discredit the doctors and the medical community in this province over the issue of balance billing. It strikes me that the subsequent negotiations with the Ontario Medical Association betrayed a really cynical approach of this government in terms of bonusing the doctors prior to a provincial election at taxpayers' expense: "Let's buy peace with health care." So I say to my colleague in the New Democratic Party, to answer her question directly, the fact is that it is that practice that is impeding the proper awareness of our citizens in terms of health care costs.

I might also add, with the time expiring, that this government has to start establishing criteria for health care which are related to our province's economic strategies. I cite, for example, the need for lithotripsy services. The minister knows he is going to be called upon to come up with some money to provide it. This government is engaged in a political death dance as to where it is going to put the one new machine in this province. I suggest that it should be located in the city of Hamilton, where the workers in the steel industry are excessively exposed to renal stone disease; they should have immediate access to that so they can return and be productive employees and not be sitting in hospitals and backlogging the hospitals of this province. That is the kind of initiative that is required.

**Mr Hampton:** I am pleased to be able to participate in this debate, because I think that what is involved in this bill and the tax changes it intends to implement are very important issues across the province and very important issues I think that many people at this time do not fully understand and appreciate. However, I think when they do fully understand and fully appreciate them, the government will hear even more opposition and more concern than it is hearing already.

Let me say at the outset that I personally favour the elimination of OHIP premiums, and I know that my colleagues in the official opposition favour the elimination of OHIP premiums. OHIP premiums have traditionally been a form of unfair and regressive taxation. It has been shown, I think, that in many cases the people who were forced, required, to pay their own OHIP premiums were in many cases individuals and families who did not have large disposable incomes.



The government's response, both this government's response and the previous government's response, was always: "Well, there is such a thing as premium assistance and therefore those families and those individuals who are most in need financially would have their OHIP premiums paid for them." Then the other rationale that was trotted out was that 70 per cent of Ontarians had their OHIP premiums paid by their employer and, therefore, it was only some 20 per cent who had to pay their own premiums.

The fact of the matter is that many of the people who were in that 20 per cent were people we might classify as lower-income working families; in other words, it was a real financial sacrifice for them to pay their OHIP premiums. So I and the other members of my caucus fully support the idea to eliminate OHIP premiums. In fact, it is an idea that we have supported for some time and it is an idea that we think is long overdue.

That is not, however, the issue in this bill. The OHIP premiums could have been eliminated in several ways. There are several different taxation measures which could have been used in effect to eliminate OHIP premiums. The government has chosen a particular way, and therefore the subject of this debate is to comment on the method this government has used and how that method will impact on certain individuals, certain social groups in our society and certain sectors of the economy. As well, the purpose here is to comment on the implementation strategy this government has chosen.

I want to pay particular attention to the implementation strategy, because we all know that what the government is doing is eliminating OHIP premiums, but then it imposes a new and special kind of tax. It is a payroll tax; in other words, those employers will pay this tax in different percentages upon their payroll. If they have a payroll of under \$200,000 per year the tax will be, I understand, 0.95 per cent. If they have a payroll of greater than \$400,000 a year, they will pay a tax of approximately, as I understand it, 1.98 per cent. If they are between \$200,000 and \$400,000 it is a graduated tax.

The implementation strategy, though, is quite curious, quite curious indeed, and it has confused a lot of people out there. I must say that the answers the Treasurer has given in this House have gone a long way towards contributing to that confusion. Because what is happening out there is that people who have been paying their own OHIP premiums continue to receive OHIP premium notices, OHIP premium notices that

say: "You must pay us now for your OHIP. You must pay us now for January, February and March. Please pay the amount listed on this notice for your OHIP coverage." They receive that. Then they pick up the newspaper and it says, "Beginning January 1990, OHIP premiums are eliminated." So, being curious folks, they immediately phone their local OHIP office or they call the Treasurer's office or they call the Ministry of Revenue and they ask: "What is happening here? Do I have to pay this OHIP premium?" They are told: "Yes, you do. You have to pay this OHIP premium." Then they say: "I thought this tax was coming into place and my employer was going to have to pay a tax beginning in January 1990 in place of OHIP premiums. Isn't that true?" The answer they receive is, "Yes, that's true."

#### 1610

If they are an employer, the answer they get is, "Yes, you will have to pay a payroll tax beginning in January 1990 on the size of your payroll." So they say: "Why do we have to pay twice for OHIP? Why do I have to pay through the premium method and then have to pay on the payroll tax as well? Isn't this unfair?" The answer they usually get from the government bureaucrats they talk to is: "That is really not for me to discuss or decide. Why don't you contact your MPP or the Treasurer or the Minister of Revenue or the Minister of Health and talk to them about it?"

We asked the Treasurer in this Legislature, and first of all we were told by the Treasurer, "There may be some overlap but it will not be very great." Yet when we check back with our constituents, we find they are still receiving these notices for January, February and March 1990, and they are also being told, "You must pay the payroll tax." So we asked the Treasurer again and now he says—he said it yesterday after a lot of prodding—"Yes, people will have to pay OHIP premiums for January, February and March, and yes, people will have to pay the payroll tax." There may be some small exceptions on the payroll tax but in general, as of 1 January 1990, employers will have to pay the payroll tax.

Where I come from that is known as double taxation. Where the Treasurer comes from, unless there is some sort of doublespeak here, he says that is not double taxation. The way I have always understood it, if you are paying twice for an article, you are paying double, and if it is a tax and you are paying twice, then you are being doubly taxed.

I see some of the Liberal members shaking their heads. I say again, the Liberal Party must have new meanings for old words if they do not understand the public's logic on this, because it certainly makes sense to everyone else in the province who is getting two bills for the same service. It amounts to double taxation.

Let me say this: Sometimes in the province, if you go to people and you say, "Look, we are going to hit you with a special assessment this year because we want to accomplish something special; we want to build a special highway or add a special service," people may willingly say: "Okay, we will bear the extra burden of taxation. We will handle this extra burden of taxation." I do not know if they would ever agree to be doubly taxed, but fundamentally, if you are going to do that, you at least have to go to the people and tell them what you are doing.

This government seems to insist upon trying to confuse the issue. An observer from outside would be led to conclude that the government wants to publicly deny that there is double taxation, but behind closed doors wants to mail out both bills and collect money at both ends. That is something we object to and I think that is something most people in this province would find objectionable, that kind of behind closed doors operation.

There is another element that is really bothersome here. If you asked the vast majority of people in Ontario whether they support OHIP, whether they support a publicly funded medical care system, the overwhelming answer would be yes. In other words, OHIP enjoys broad and deep support among the citizens of Ontario. Among citizens of Ontario there is a broad and deep support for OHIP.

Now you have a government that intends, on the back of OHIP, to add double taxation. Something that is an unfavourable idea anywhere is suddenly going to be thrown on to the back of something that is a very much favoured and very popular public program. Something that is very good and has wide public support is sullied by an idea that is very bad and, I might say, very stupid.

What is being gained here? The government is going to get approximately \$529 million of extra revenue by requiring people to pay their OHIP premiums and collecting the OHIP payroll tax at the same time. The government would say that is good because that will add to the slush fund it can kick around for a while, but the point of the matter is that people who genuinely support OHIP as a publicly funded program find that the

integrity of that program is undermined when the program is used as a source of double taxation, and that is very objectionable as well.

If they are going to do it, they should come clean, state all the reasons they are going to do it and tell people exactly what they are going to do with the money. But for six months now we have had the Treasurer stand up in the House and say, "No, there's not going to be any double taxation." Then the question is asked again, "Yes, there's going to be some overlap but the overlap won't include all employers."

Then I asked him yesterday, "Are people going to pay their premiums for January, February and March?" The answer was yes. I asked the other question, "Are some employers also going to be paying the payroll tax for that period?" The answer was yes. I think in anybody's mind that amounts to double taxation and we have not yet had an adequate explanation why it is going on and what it is intended to do. We have not had that explanation at all.

I can only say to this government that if it thinks it is going to slide this through the door and people are not going to become aware that they are being doubly taxed, then it is right out to lunch. I will quote from yesterday's *Globe and Mail*, an article by Margot Gibb-Clark detailing the extent of and the concern over the double taxation. I think the government ought to be aware that this is not going to go by lightly, that people are going to have an opportunity to voice their opinion on it and they are going to form some conclusions about this government and the way it does business because of the manner in which it is trying to do this.

I think it is absolutely despicable to take something that enjoys public support far and wide and then attach to it an element of double taxation, which has the eventual result of destroying some of the integrity of that plan in the public's eye. I think it is a very despicable thing to do, but I am not surprised, coming from this government.

If you look at some of this government's other financial decisions in terms of what it has done to boards of education, adding more and more mandatory programs on to boards of education but cutting the funding of boards of education so that the boards have no alternative but to increase the property tax, itself a most regressive and unfair tax; if you look at what this government has done to local municipal councils in the face of inflation, cutting unconditional grants in terms of cutting grants for sewer and water, streets and roads; if you look at that and you look at the



increasing costs of those items in terms of the annual inflation rate, you will see that this operation with respect to OHIP premiums and OHIP payroll taxes follows in a line with what the government has been doing over the last two years.

All three things are despicable: passing on greater costs to municipal councils, passing on greater costs to boards of education and now using OHIP as a means to collect extra money above and beyond what the public should be called upon to pay, and trying to do it all through the back door. That is, as I say, quite despicable.

#### 1620

The implementation scheme is one item. Believe me, people across Ontario are going to know about the double dealing the government is trying to accomplish with the implementation scheme, but there are all sorts of other problems with what it is doing. There are all sorts of transfers here that are taking place that the public ought to know about and will know about and they will be judged on them.

It is pretty clear that what is happening here is that in effect, by moving to the payroll tax, the government is making another cash grab. The government is increasing its take by this tax to an amount greater than what OHIP premiums brought in. Who is paying this additional amount? What are the transfers that are taking place?

Large employers will not pay any more than they paid before in terms of contributions to OHIP. They will pay about the same, or in some cases, they will pay less. Who is dumping off some of their share? In other words, who paid into OHIP before and will be paying a little less now? It is pretty clear that the outfit that is going to be paying in a little less, and I would suggest it is going to grow to be a lot less, is this government out of its general revenue fund. They are offloading what they used to pay out of the general revenue fund on to other municipal and public bodies and on to small business.

That is what is happening here. They are offloading what they used to put into OHIP through general revenues on to school boards or on to municipal councils or on to small business. That is what is happening.

If municipal councils and local boards of education across the province were reaping a windfall in terms of tax revenue, the government might have some justification for this, but the fact of the matter is that municipal councils and local boards of education really have only one source of revenue, the property tax. That is their

autonomous source of revenue that they have some control over.

Their other source of revenue is grants from the provincial government, but as we already know, it has cut back on those grants. Every election, it keeps saying that it is going to return provincial support for local boards of education back to 60 per cent. In other words, for every dollar that a local board of education has to spend, the government would provide 60 cents of that. The fact of the matter is that it is actually decreasing that. If you look at most boards in this province, you are looking at funding that now is under 40 per cent. Boards in my area calculate it to be around 38 per cent that they are receiving from the province. In other words, the rest has to come from local taxpayers.

What the government is really doing here, when it imposes more of this burden on local boards of education and on municipal councils, is that it is telling them: "Raise the property tax again. If you need to pay this, raise the property tax again." In other words, it is indirectly telling them: "You have these extra costs to pay. You go out and raise again the most regressive and unfair tax that exists in this province." That is really what it is saying in an indirect way, but again, we would not be surprised because this government has been doing that over the last four years. It seems to like regressive and unfair taxes.

I can cite other examples: its use of the sales tax and its use of the gasoline tax. Again, where it had progressive tax options open to it, it failed to choose those and it has chosen the most regressive and most unfair ones, and this is just a duplication of that all over again.

They have now shifted some of the financial responsibility from themselves on to local boards of education and local municipal councils that are already hard pressed and they have given them no source of additional revenue to meet these additional costs.

How they can say bravo to that, that this is a wonderful thing is totally beyond me because the local boards of education, municipal councils, universities and colleges have all told them that this is unfair, that it is an unfair burden and that it will be a very difficult burden for them to meet. They have been told that and they are going to hear more of it because it is absolutely true.

Let's look a little more closely at this because when you look at this tax in terms of its fundamentals, you start to see even more examples of unfairness and regressivity. I could not believe it when I found that if you are self-employed, you are not even touched by this

payroll tax. Yet when I sit down and read a basic textbook talking about theories of taxation, what do they talk about in terms of fundamental principles, in terms of equity? That burdens should be shared equitably across the population, that where there equal benefits there should be equal payments, but that this should be balanced with questions of progressivity. Those are fundamental tax issues. Pick up any textbook on taxation and you will read that in the first chapter.

If we look at those fundamental principles and apply them to this tax, it is pretty clear that whoever brought this tax forward obviously did not read the textbooks or has read the textbooks and said, "We don't care."

These are some of the example. I will pick examples out of my own constituency, real people.

Let's take a logging company that employs 15 people. They all work hard. Many of them work six and a half or seven days a week. You work six and a half days a week cutting and hauling logs out of the bush to the mill. Your hours may be 11 or 12 hours a day. On the seventh day, you fix equipment. That is called your day of rest. On the seventh day, you fix your equipment so you can go back to work on the Monday to Saturday. You have a logging company with 15 employees. They all earn about \$30,000 each in average salary. If you multiply that out, 15 employees at \$30,000 each, you come up with \$450,000. That company with 15 employees is going to be hit by the 1.95 per cent of the payroll tax. In other words, they are going to pay almost \$9,000 in payroll taxes.

Just a little way down the road, you have a self-employed lawyer who runs a small practice. He mainly deals in real estate. That is where he makes his money, dealing with real estate and corporate commercial concerns. He has two secretaries. He pays them about \$15,000 each, so his total payroll in terms of his employees is \$30,000. He makes a salary. His own income is in the neighbourhood of \$90,000 a year, some years \$10,000 more, some years \$10,000 less. Does he pay any OHIP payroll tax on his own \$90,000 salary? None. Zip. He gets a free ride. The only payroll tax he will pay is the 0.95 per cent on his two secretaries, which amounts to a couple of hundred dollars a year. That is his contribution to payroll tax, but in terms of his own \$90,000-a-year income, he does not pay a red cent.

## 1630

You can go down the road to the doctor who runs the clinic. Again, he is classified as

self-employed. His income, and I will use Ontario averages, is about \$120,000 a year. This gets even more interesting, because you see in his clinic he may have only one nurse-receptionist who he may pay \$20,000 a year. What he relies upon to do a lot of his work, what he relies upon to enhance his practice, is a publicly supported hospital. On his \$125,000, what does he pay for OHIP? On his \$125,000 annual income, what does he pay for OHIP payroll tax? On his own \$125,000 net income, he pays nothing, absolutely nothing. On his nurse-receptionist's \$20,000, he pays the 0.95 per cent again. That is his contribution to this payroll tax.

Where do you find the justice in this? How can anyone argue that this is a just tax, a just system? To me, in terms of who is carrying the burden and who is getting free rides, it makes absolutely no sense whatsoever. It makes absolutely no sense. Now you might think if you go out there and you talk to some self-employed individuals who will be receiving a free ride under this payroll tax, that they are cheering, that they think: "Hey, great, wonderful, I am getting a free ride. I get my OHIP paid for and I am getting a free ride."

I tried that out on a few farmers in my community. They are self-employed; they have their farm; they get their net incomes from the farm. I asked them what they thought of this, if they were happy, if they were pleased about that. I want to tell members what they thought and what they think and what they said to me. They said:

"Listen, OHIP, publicly supported medical care, is something we are all proud of. It is something we all consider to be especially important. It is something that we want to preserve the integrity of and we want everybody across the province to see the integrity of. We don't feel good about the free ride. We would at least like to contribute something to this. We feel that something that benefits everyone, something that is good for the public in general, if we have an income on this, we should at least be able to support it to some extent. We don't like this idea of a free ride. We don't like it and we don't think it is good for the system and we don't think it will create public support for the system."

I am not surprised by that, because I find most farmers believe that everyone should exercise some individual responsibility and that they should contribute in some way. That is the general view in the farm community. So I want to say to this government, it may feel that in some places it is going to win some favours on this or it is going to win a lot of support on this. I am here



to tell them that even people who perceive themselves as getting a free ride do not like what they see happening.

If the government is going to charge a payroll tax, they argue and they are convinced that it should also include people who earn their income from self-employment. After all, if you look at the Canada pension plan, there is a self-employment aspect to that. If you look at workers' compensation, which is another payroll tax, there is a self-employment aspect to that. What is the principle behind saying that people who have self-employment incomes of \$90,000 a year, \$125,000 a year, are exempt now from paying for OHIP? What is the principle? I am really keen to find out, because from the questions I have asked so far and the answers I have received none of them make any sense.

Let's just take this a little further afield because there are some other interesting aspects out there in the world of self-employment. Let's just look at it from the perspective of yuppie Toronto for a while. It is no secret—it is a secret to this government which does not want to acknowledge it; probably the reason it does not want to acknowledge it is because some of its friends are the people who are getting the most out of the system—but it is no secret out there in terms of what is happening in the Toronto real estate market.

We have people who buy property one year for \$200,000, hold on to it for nine months, a year, a year and a half, and sell it for twice the price. They get a net income on that of perhaps \$200,000. In some cases, they really have no great staff working for them. They might have one secretary or two secretaries and they may pay them \$30,000 a year. That is their contribution to OHIP, but in terms of their own annual net income from their activity, real estate speculation, they pay nothing. They are self-employed.

Under this wonderful scheme that the Minister of Revenue and the Treasurer have worked out, they simply take their OHIP scot-free, even though, in terms of ability to pay, which should be a fundamental of any tax consideration in our province, in terms of revenues with which to pay, they have much more than that little logging company that has 15 employees and is working very hard and is contributing a great deal to our society. I ask the minister again to explain the rationales for this kind of lopsided situation; explain those rationales.

I want to say something about the small business sector here as well. One of the other fundamental principles of taxation is that you

measure the revenue that you receive against the degree to which it may cause dislocations in the economy or it may retard certain productive sectors of the economy. You look at those things.

This is fundamentally a payroll tax. That is all it is. It does not tax profits. It does not tax, as we said, high net incomes. It taxes on the basis of how many employees you have and how much money those employees make. This government acknowledges that the small business sector is the sector of the economy it wants to reward and it wants to help. They say that is the key in the future to providing more jobs.

Well, who does this tax hit most directly and most severely? It hits the small business sector. It hits small businesses, and particularly businesses in the service industry because they are most labour-intensive. Service industries are the industries now who hire the most employees and therefore can be expected to have relatively higher payrolls on which they will have to pay this tax.

Let me give an example. In my community and three or four of the communities in my constituency, we have credit unions. Let's take for example the Dryden District Credit Union. In order to accomplish what they do, which is offer financial services to the public and offer financial services to the community, they have to have a number of employees. They have credit counsellors, loan counsellors, clerks, accountants, office managers and auditors. They offer a very valuable service to the community.

Even though they are a small organization, because they are in a service industry, their payroll amounts to over \$400,000 a year. In other words, using the example I gave, let's assume their payroll is about \$450,000 and they get hit with a \$9,000 payroll tax. It is not going to take them long to figure out: "Look, this is an extra cost for us. It hurts our balance sheet. What are we going to do?"

They can always substitute more computers for people. They can always substitute telephone answering machines for a receptionist at the desk. They can always substitute more automatic tellers and bankcard machines for more clerks. That is exactly what they are considering, not because they necessarily want to—if anything, they want to do it the other way; they want to increase employment—but they look at the unfairness of this tax, they look at the way it is buttonholed directly at them and they say: "We have to make some substitutions. We have to substitute machines for people if we are going to reduce the burden of this tax."

## 1640

The government could not have, in my view, found a better way to cause dislocations in the small business sector of our economy; it could not have picked a better way to do it than it has by this tax. Second, it could not have picked a better way to retard the growth of that sector of the economy; it could not have picked a more effective way, a more harsh way, to retard the growth of that sector of the economy than this kind of tax.

The government will argue with the small business sector: "You know, we had no choice. We really could not do it any other way." There are all kinds of ways, there are all kinds of tax alternatives that this government could have used, either to not use a payroll tax or to reduce the overall burden of this payroll tax or to reduce the burden of this payroll tax on the specific small business sectors.

Other provinces have payroll taxes like this, no doubt about it, but other provinces have a \$200,000, \$250,000, \$300,000 exemption. In other words, if you are a small business just starting out, you do not get hit with this tax until you get over the \$300,000 payroll level. In other words, you can have 10 employees earning \$300,000 apiece before you start to be hit by the tax. That was one way to do it, and then increase the tax in some form from there on. The government is going to say, "How could we have gotten that income otherwise then?" There are more progressive ways to get that income.

It is noticeable that this government in the last two budgets has not touched corporate income tax. If there is one thing, one type of tax, that seems to be sacred to this government and that this government does not want to increase, it is the corporate income tax. It is almost as if the government is afraid that if it increases the corporate income tax, all those corporations that contributed money to its election campaign last time will desert it and go back to the Conservatives. That is what it appears to be to the public.

That is the one tax that these people consider sacred, the corporate income tax. That is a tax that could easily withstand an increase at this time. After all, it is an increase on profits; it is an increase on those who can afford to pay it rather than, as this tax is, a tax burden on many businesses that may not be able to repay it and in fact, if the economy is tailing off, as all the indicators now show, very likely will not be able to pay it.

There were other options out there for the government to use. Do not tell us here and do not

tell the public, "We had no choice. This was the only way we could do it," because that is clearly not the case at all.

As I said, the public wants some explanations that it is not getting as to why in the first three months of this payroll tax a large number of people are going to be called upon to pay their OHIP premiums and pay the payroll tax as well. They want an answer to that and they want an answer that makes sense. So far in this Legislature, we have not heard one that makes sense.

**Mr Wildman:** The answer is that the government just wants the money.

**Mr Hampton:** I must say I agree fundamentally with the comment that the member for Algoma has just made, that the government wants the money. Whether they can offer a proper rationalization or not is another question and a question that they have not answered.

So we have questions about this peculiar double taxation implementation strategy, a strategy which, I will say again, I think harms the integrity of a program which up until now has enjoyed almost universal support from the public, and I talk about the OHIP program. The public also wants to know why so much of this tax burden has to be shifted on to a sector of the economy which may have the least resources with which to meet the tax burden and which may very well in the end result in substitutions of more machines and less people, bringing in more machines to work in those enterprises and reducing the number of people.

The public wants those answers and the public deserves those answers from this government. As I said, I and my fellow caucus members support the elimination of OHIP premiums. We support the elimination of premiums which were in themselves fundamentally regressive and unfair forms of taxation. But what the government has substituted in terms of this payroll tax is in itself a flawed, unfair and regressive tax and this government could have done much better, could have been more progressive, could have been more fair and could have created a tax which has less drag and less dislocation effects on a very important part of the economy, the small business sector.

We want to hear some explanations from this government and we want to hear some answers. Because, as I said, quite frankly up to now, we have not heard them, and the ones that we have heard just have not met the test when we look at them carefully. I appreciate the opportunity to speak on second reading of this bill and, as I said, we want some answers from the government as to



why it has chosen the vehicle it has chosen and why it has chosen the unfair implementation strategy that it is now in the process of putting through.

**The Acting Speaker:** Any comments or questions on that? There being none, any further debate?

**Mr Charlton:** Mr Speaker, you were in the chair yesterday afternoon when I began my comments and you will be aware that I made a few comments on this bill. But I want to direct some additional comments as well as to repeat some of the comments from yesterday to the Minister of Revenue and to those other Liberals who are here today because, although I see a couple of the same faces here, essentially we have a different crowd on duty this afternoon. Perhaps preaching in installations is the only way to get through to this government because there very rarely are very many of its members here even when we are dealing with what they are telling us is extremely important government legislation.

I would like to pick up, I think, about where my colleague left off. He made reference in the windup to his comments about this tax, this tax which essentially takes money out of the corporate sector in Ontario versus the corporation income tax in the province of Ontario. This government has told us that through this payroll tax it is going to make companies pay which under the OHIP premium system did not pay premiums on behalf of their employees while other companies were paying premiums on behalf of their employees and that somehow this is going to make up for the stinginess and the wrongs of the past in the corporate sector.

Then you look at the actual makeup of this tax package in Bill 47, the graduated scale to which my colleague referred, and I want to point out to the government members here this afternoon precisely what that sliding scale is, because most of them when they think about a sliding scale, think about a tax that somehow reflects ability to pay. That is what we look for in the sliding scales in our income tax system and that is supposedly what is also there in the corporate income tax system. So we talk about sliding scales and we set out sliding scales and we leave the impression that that is in fact what we are talking about, ability to pay.

As my colleague pointed out earlier, the sliding scales that are set out in this bill are set out based on the gross payroll of a company in a year. That gross payroll includes not only cash salary but benefits and other items that are paid by the

company on behalf of employees. It is the gross total figure. But those of us who have dealt with trade unions for many years understand the numbers that get rolled into wage packages. At any rate, we are talking about gross wage packages on an annual basis.

#### 1650

We have a three-level tax here. For employers whose payroll is less than \$200,000, we have a tax rate that is the lowest tax rate at 0.98 per cent; between \$200,000 and \$400,000, we have a sliding scale that goes up from \$200,000 to \$400,000, and then over \$400,000 we have the top tax rate at 1.95 per cent.

Again, if you think about that, Mr Speaker, it seems to fulfil the normal criteria that we think about when we think about sliding scales somehow reflecting ability to pay. But I think if we stop and think in serious terms, all of a sudden it dawns that the gross payroll of a company does not necessarily, in any way, shape or form, reflect that company's ability to pay. It reflects the amount they are paying in wages and benefits certainly, but some companies have large profit margins, other companies have small profit margins, when in fact they may have precisely the same wage bill. Their margin above that wage bill, the return that is net profit at the end of the year, may be substantially different in two companies with precisely the same wage bill—two companies whose tax burden under this payroll tax will be precisely the same.

This is a tax whereby a company that may be in a profit position this year and in a loss position next year—such as some of the steel companies in Hamilton went through during the recession, for example, where they were in loss positions for two or three years in a row—will have a tax burden imposed based on its payroll, not on its ability to pay that tax; in other words, a tax that in that circumstance will exacerbate the loss the company suffers at any given point in time in an economic downturn.

Further, a marginal company, perhaps because it is in its infancy—it is only a four- or five-year-old company which has gone into the manufacturing sector, made a major capital investment in that sector and amortized that capital investment over 10 or 12 or 15 years—may find itself in year 7 in a very marginal position in terms of profit. They are paying off the capital investment, which as we know in the long run is profit, but there is no cash flow there in that kind of context. What are we doing with this kind of tax to that very marginal company?

On the other hand, another company down the road with, as I have suggested, roughly the same size of gross payroll, may be in a very substantial net profit position, but the liability of that company will be no different than the tax liability we have just imposed, on the one hand, on the company in a loss situation, and on the other hand, on the company in the marginal situation.

Mr Speaker, you have been through situations in your own community, especially during the recession periods—and we will see recessions in this province again, whether it be this year or next year or four years down the road; the economy goes in cycles and we will have another recession—when companies have to look at laying off employees and decide how much downsizing has to happen in order for them to be able to ride through the difficult period, to find financially the best way for their operations to survive that downturn so that they are in a position to come out the other end with a capability to then take advantage of the recovery as the recovery comes on stream. We have all seen that process a number of times in our lifetime.

But let us impose this tax on that cycle and we have a recession and we are in a downsizing situation where some companies' first thought in a downsizing situation is just lay off everything in sight. That is already true for some companies. We have seen other companies that have tried during recessions to limit the number of people they have had to lay off. They have had job sharing situations in some cases and they have kept on people who were perhaps not necessary during the downsizing period; people they did not want to lose to their operation have been kept on in some cases unnecessarily, except for the desire to have that person still available when the recovery starts because of a specific skill he has or whatever the case happens to be.

What is the incentive in imposing this kind of a tax, a tax directly related not to profit—because in a downturn profit goes down—but a tax directly related to gross payroll? The very clear incentive during a downsizing operation is not going to be to look for other things that can be cut in the operation before you start cutting people, because the tax is directly tied to payroll. If you want to get rid of the tax and save dollars for your company, too, you get rid of people, because they are the ones who are being taxed.

Your corporate income tax will go down because your profit margin is going down. You do not have to do any cutting to solve that part of the problem during a recession. But in the case of

the imposition of this payroll tax, the very clear incentive will be whenever there is a financial problem in a company and it is looking for fast ways to save dollars, we are giving it a fast way to save dollars and cut people all at the same time. That will be the incentive for even the most responsible corporations, as we have seen some of them be in the past. We are giving them an additional incentive to say: "Hey, reducing our stockpiles used to work, but let's reduce our employees. It's a quicker way of saving dollars this time because we not only reduce payroll, we reduce taxes all in one fell swoop."

The same kind of disincentives hang around the neck of this tax in almost every way we look at it. We have seen technological change having a very serious impact on working life in industrial Ontario over the course of the last 20 years. Again, I will go back to the companies in my own town. Stelco, which 20 years ago employed 15,000 people in the Hamilton area, is now employing half that, about 7,500. They are still meeting the same market—in fact they are meeting a substantially increased market in terms of overall volume of tonnage of steel they are selling—but technological change has allowed them to substantially reduce their workforce.

Companies have tended to take on technological change as their capital investment in their old capital works has been paid for. It has outlived its useful life, and in order to take the company on to the next stage of technological development, one has to upgrade the technologies. The old technology is cracking and falling apart and one has to renew.

#### 1700

However, with this tax we are saying not only should technological change occur when investment in old technology has been met, capitalized and profitized as well, but we are saying perhaps we can even give companies an incentive for tech change that they would not otherwise consider: they can reduce other costs because they do not pay a payroll tax in terms of technological investment; they pay a payroll tax in terms of the number of dollars and wages and benefits they are paying to people, not to robots.

We are putting in place a tax that in some respects we could say makes Ontario industry more modern and more competitive more quickly than it would otherwise happen at the same time as we are putting more Ontarians out of work faster than we as a society are capable of dealing with it. I do not think this government has seriously thought of all of the potential ramifications of this tax.



This is a tax that discriminates against employment intensity and it discriminates in favour of capital-intensive operations. It is going to benefit the investment houses where there are large profit margins with small numbers of people employed, and it is going to hurt the company out there that has decided that instead of going to a total computerized operation, it is going to continue to employ craftsmen to build handmade goods for the people of Ontario and the world.

It is the company that has retained the craftsmen that is going to be discriminated against by this tax because that company still has a substantial payroll. The company that has gone totally to CAD-CAM, where everything is computer designed and computer operated and there are only five employees left in the plant, is going to benefit from this kind of tax, because even if their profit margins are identical, even if their net profits are identical, the company that has gone tech is not going to pay the same tax even in the same profit situation as the company that has retained the skilled tradesmen, the company that is still putting out the handcrafted products, products which may not look as high tech, but which are probably, as you well understand, Mr Speaker, a little more solid when you knock on them. They do not break quite as easily when your kid throws them against the wall or whatever the case happens to be.

That is the kind of discrimination we are building into our tax system. It gets even worse than that. We have stood in this House and, on the one hand, admired and patted ourselves on the back for the prosperous society we have in Ontario. On the other hand, we know we have problem employers in this province: employers who exploit women, so that we have had to bring in pay equity legislation, and employers who just generally pay low wages in order to see that their profits are as big as those of somebody else down the road who is much more efficient than they are but who pays decent wages.

I just did some math on an example. I used an example in my comments yesterday, but I have done some math on it so I want to repeat the example so people can understand the way in which this kind of a tax discriminates. You have got two employers, two separate companies. Both of these companies employ the same number of employees and both of these companies had the same net profit last year. One of these companies pays an average wage of \$5 an hour. The other of the two companies pays an average wage of \$13 an hour. As I have said, they

both employ the same number of employees and their net profit last year was almost identical so they both had a roughly equal ability to pay this tax in terms of how at least I think about ability to pay, and taxes even in the corporate sector should be levied.

But what happens under this tax regime set out in this bill with these two companies? Well, one of the companies has a payroll in the neighbourhood of \$190,000 a year and the other company has a payroll of \$494,000 a year. Two companies, as I have said; same number of employees, same profit. So what happens? We have got a wage differential here where one company is paying 2.6 times better wages than the other company. So right off the bat, because the payroll is 2.6 times greater in that second company, the payroll taxes it pays are 2.6 times greater than the exploitative company—the company that is paying the low wages.

But it is even worse than that because now we have to introduce this sliding scale, the one I was referring to earlier. We normally think that sliding scales reflect ability to pay. Well, the company with the payroll of \$494,000 a year pays the tax at the top rate, which is 1.95 per cent; and the company with the same number of employees and the same profit pays the tax at the lower rate of 0.98 per cent. Not only do two companies with precisely the same profit picture have a 2.6-times differential in the tax they pay, we exacerbate it by this sliding scale, so that of the two companies that in fact have an equal ability to pay a tax towards the operation of our health care system, the one that is paying the higher wages is going to pay a tax approximately three times greater than the other company with the same profit picture, but a company that has built its profit picture on the backs of workers by paying an average wage of \$5 an hour.

It is three times the tax for the company that has been the good corporate citizen, that has paid the decent wage in the province of Ontario, that has got the good benefit package. It is going to have to pay three times the amount of payroll tax that the exploiter is going to have to pay. He is going to laugh all the way to the bank because he is still maintaining his good profit picture and nobody has really done the job of not only getting at the kind of inequities that this kind of tax allows to continue but at the tax itself which, because of its sliding scale and because it is tied directly to the exploitation that one of those two employers is involved in, exacerbates the exploitation.

That is entirely counter to everything that I can think of that we have talked about in this House in my 13 years here in the Legislature. I am not just talking about New Democrats now. I am talking about the general tax debates that I have listened to in this Legislature over the course of the last 13 years. I cannot recall an occasion when any Tory or any Liberal stood up in this House and said, "I'm for, I'm in favour of that kind of discrimination, that kind of backward disincentive."

#### 1710

This tax takes us, in my view, not one or two steps back but about 10 steps back, because it sets a new direction and it sets a new mindset in terms of what is appropriate, fair and equitable tax policy in the province of Ontario.

If we allow this kind of new mindset to be easily wedged in place in the overall tax structure of this province, then the next time this government feels uncomfortable about raising personal income taxes because it needs additional dollars, or corporate income taxes—both of which have their flaws internally in their systems but both of which are among the fairest, most equitable of the taxes that we have in terms of their incidence, where they hit and where they impact—when the government feels uncomfortable about raising the corporate income tax because it might put the Ontario corporate income tax rate a little bit higher than Quebec's or Alberta's, then it is going to play games with the payroll tax to get the dollars it needs out of this regressive and unfair tax—unfair internally in the corporate sector.

It certainly is not going to hurt to any substantial degree the individuals who are not going to pay the OHIP premiums any more, and we have said from the outset that we support the government's move to eliminate the OHIP premiums, but to eliminate something regressive and unfair like OHIP premiums and replace it with something regressive and unfair like this payroll tax and the kinds of tax incidence that it has, in my view is not a good, appropriate or fair direction to be taking us down in the future.

We all know what happens to taxes once they are put in place. They never stay at the rate at which they were introduced. I cannot predict whether it will be 1990 or 1991 or 1992 before this tax gets increased, but this very low rate at a range of 0.98 per cent to 1.95 per cent, members can all assure themselves without having to listen to me, will not always be the rate at which this tax is applied. It is the start rate, and all of the things that I have talked about and all of the things that

were talked about by my colleagues—and I think members will hear some further comments from others in this debate about other unfairnesses, inequities, anomalies that this tax will cause to have happen out there—all of those will be exacerbated every time that there is a tax increase, or every time that an employer considers increasing his payroll by hiring new people, or conversely, as an employer tries to look at ways to make his operation leaner.

The kinds of problems that I have set out and the kinds of problems that my colleagues have set out, each and every one of them will be exacerbated by the very basic day-to-day economic decisions that companies have to make. This tax does not deal with that, and it would appear that this government is not ready to deal with that either. It has talked about the good years that we have been through for the last several, and it specifically tries to point to the years since it became the government.

To my friends across the way, I will end my comments by saying I believe that each and every one of them will live to regret the day they imposed this tax and that, as we move into the next recession, because that will inevitably come—as I said, I am not an economist or a soothsayer; I do not know if it will happen later this year or next spring or a year and a half from now or three years from now, but we will surely have that recession as we always do eventually—I ask each and every one of them to watch what this tax does, watch how employers use this tax in their adjustment process as they have to find ways to downsize during that recession and watch the very negative impact it has in an overall way on the total employment displacement in the province of Ontario as we go through our next negative cycle in the economy.

**Mr Pope:** I have been told by my friends in Timmins and Iroquois Falls who watched my effort last week on the occupational health and safety bill that I talked for too long. I talked on that occasion for an hour and a half and I thought today I would keep my comments to 43 minutes. I think the message is in there.

I would like to start by thanking Mac Penney of our research office for the excellent work he has done on Bill 47, not only after introduction but also in analysing the debate that has taken place to date. Certainly, his analyses and guidance has been well appreciated by the members of our caucus. As always, he has produced very good work for us.

Secondly, I want to indicate to you, Mr Speaker, that, because this is a debate on second



reading, I would like to spend a few minutes talking about general tax philosophy of this government as it reflects itself in this piece of legislation and then go on to make some specific comments about the detail of the provisions of Bill 47 and how we think they will impact on the daily lives of the people of the province of Ontario and businessmen of the province of Ontario.

First of all, I think it is becoming of increasing concern. Whether you are in Niagara Falls at the Sheraton Hotel in the coffee shop, or whether you are in the Esquire Restaurant on Cedar St in Timmins, or in the Prince of Wales Hotel in Niagara-on-the-Lake enjoying coffee in the morning with your friends, or whether you are in many of the great communities in Essex South, people are increasingly voicing their frustration and concern with economic policies of government.

It was not without some degree of credibility that Statistics Canada indicated during the summer months that one of the major contributing sources of inflation across this country, and in particular in the province of Ontario, was in fact the increase in government taxation. That statistic has already been reflected in many comments that I hear from businessmen and individuals in my own riding and across this province.

We have seen this administration, for reasons that they alone are accountable for of course, come in with two successive overall tax increase packages in two successive budgets of \$1.3 billion in each year. That has an inflationary effect on life in Ontario that we all, as residents of this great province, face in our day-to-day lives.

Those tax increases are either paid directly by us or they are passed on to us through price increases or through wage settlements or reduced wage settlements when we take benefits packages as well.

This tax bill, which is not a policy that is directly the responsibility of the Minister of Revenue; I acknowledge that—but the opportunity for second reading on this tax bill is to make comment on this kind of thinking or mentality that has pervaded this current administration in Ontario and, second, to put it into the context of other tax measures that all of us are becoming increasingly worried about.

1720

[Remarks in French]

We have heard from time to time that we are overtaxed. When we see tax freedom day moving ever so slowly further and further into July, when

people have to work underground in the mines, in the stores, on the farms, in the lumber mills and the factories until the first weekend of July, into the seventh, eighth and ninth of July, just to pay taxes that are being imposed by different levels of government, surely it is time to have a pause in this grinding away at people's ability to live in this province.

A lot of people in government think it is a big joke and that it is all political nonsense being spoken. It is not a joke. When you see workers in Florida and the southwestern United States with 17 per cent deductions on their paycheques, as I have seen, and we have deductions of 35 per cent, 40 per cent or 45 per cent, it is no longer a laughing matter. It affects the ability of our fellow citizens in this province and in this country to survive in a fashion that they have a right to expect.

Do not tell me that we can replace that with a broad safety net of social programs. Tell that to the people of northern Ontario, that their government is providing them with an adequate transportation system, for instance, at government subsidies, at public subsidies that they can take advantage of. Tell them that, when you can fly to Toronto for \$383 on Air Canada or Air Ontario and you can fly from Toronto to Miami, Florida, for \$160. Tell them that, when they are pulling the train service, both federally and provincially, out of every major community in northern Ontario, let alone the small isolated ones. Tell them that, when they have not seen four-laning on Highway 11 or passing lanes on Highway 11 for three and four years.

Tell them that, when they see the promise of new hospitals in northern Ontario unfulfilled and yet they cannot get into hospitals down in southern Ontario because the waiting lists are getting longer and longer and longer. Tell them about the subsidized health care system that this employer health tax is going to help support. Tell them about that, when they are in Rainy River and they have to travel to Thunder Bay for an appendectomy for their son or daughter. Tell them about it when they have to wait longer and longer and longer for heart surgery for their mother or father, and in desperation go and pay the full tab in Cleveland or Alabama or New York state. Tell them about that, when they have been told about the publicly funded health transportation system using dedicated aircraft or commercial aircraft at public expense, and then they find when they get here that they cannot get into a hospital for essential, urgent treatment.

All of these issues that relate to the functioning of our health care system, our OHIP system, the basics, are deteriorating while this government is grabbing more disposable income from the residents of this province. And surely no one can deny the deterioration of the health care system under this regime—no one can deny it—a system that was examined and lauded by the entire western world just a few short years ago, where we brought people into this province to get medical treatment because we had a world-class health care system with world-class specialty teams, and now they have to go to other jurisdictions to get even essential medical treatments on an urgent basis. And we are supposed to pay an employer health tax in this province to fund that kind of performance? Give me a break.

**Mr Adams:** I will give you a break any time.

**Mr Pope:** There has not been, I say to the member from Peterborough (Mr Adams), the kind of crisis in the health care system in this province in the last 40 years, and this government wants more money to continue that kind of performance? Not on your life. We do not support this tax measure, we do not support the abilities of this cabinet and this government and this Minister of Health to run the health care system in an efficient, humane manner whatsoever.

The evidence is all around us. The deterioration is all around us. The declining quality of health care is all around us, and everyone recognizes it. It is a source of worry and concern when we are told that hospitals are not going to be built, even though they were committed in different parts of this province, because we are going to community-based care. Big deal if you cannot get the basic essentials on an emergency and urgent basis to be made available to you no matter where you live in Ontario.

**1730**

So we do not intend to support this kind of funding to pay for that kind of system. No one does, because we are not satisfied with the performance of the Minister of Health or with our health care system.

From a revenue and tax-policy point of view, we disagree with the direction of this government, and we think there is ample evidence from within this government to support our position. We have had too many tax increases, between 26 and 29 in total in the last three years, depending on how you count them; between 26 and 29 tax increases. We have seen increases in personal tax rates. We have seen increases in gasoline tax. We have seen an increase in the retail sales tax. We

have seen an increase in the land transfer tax. We have seen surtaxes. We have seen a tire tax. We have seen all of these taxes that the average taxpayer, the average working man and woman in this province is having to pay every day. When they buy a new tire, they pay that tax. When they go to buy gasoline at the local gas station, they pay that tax. When they have their payroll deductions increased, with less take-home pay, they are paying that increase in personal income tax. When they go to the store and buy items for their personal use, they pay that additional retail sales tax. And here it comes, again and again and again.

**Mr Curling:** Here comes the GST.

**Mr Pope:** I say to the member, the former cabinet minister who has made that comment, the only difference between the goods and services tax at the federal level and this provincial level is that the Liberals have not figured out how to do a GST as well as the federal guys have, and they have chipped away at 26 different tax increases in the last three years, \$1.3 billion in additional taxation that the residents of this province are paying for two successive years, and they sit there so smug in their seats and pretend that it is not going to affect anyone in this province.

Well, it has. It has discouraged incentive, it has discouraged people in their daily lives, it has made it more difficult for people to survive and live in this province, and the responsibility rests clearly with this government, which spends more time manoeuvring on the federal level for political reasons and less time explaining its own economic policies and tax policies to the people of Ontario, and we deserve those explanations.

We deserve those explanations as to what in goodness is going on in tax policies in this country and in this province. We do not need the manoeuvrings and the shy, reticent Treasurer of Ontario refusing to directly comment on GST and its impact on the province, and more specifically what he sees as the essential ingredients of tax reform on a national basis. He will not declare himself on that. He will not add to a national economic and tax plan, but he will sit back and snipe on the sidelines. We have had too much sniping at both levels of government. In the meantime, it is the taxpayers who are paying the bill for all this manoeuvring and nonsense.

There is no doubt, whichever way you cut it, that it is the working men and women in the mines, in the lumber mills, in the factories and in business who are paying the shot. Those who have the means to hire lawyers and accountants to do tax planning always will be able to do that.



It is those average wage earners who always pay the bulk of these tax measures, and they are paying more and more and more. When we pass 1 July for tax freedom day, the government is saying to the public of this province, "When you work full time, when you work hard, when you and your wife both commit yourselves to going out to work so that you can make ends meet, thank you very much, because you are doing more work for the governments of this country than you are doing for yourselves."

What about this great community? We now have a commercial concentration levy. This community has seen major increases in housing costs, major increases in rentals, staggering increases in food prices, and on top of all these additional tax burdens that are being placed on them by this Liberal administration in Ontario, it is going to throw a commercial concentration levy, which people are going to pay in further increases in retail prices, make no mistake about it. Economic life is difficult enough in the great city of Toronto and in the major centres of this province, and this government is committed to making it even tougher.

We oppose their basic policies; 7,000 additional civil servants over the past three years; \$1.3 billion in tax increases for two successive years. That is not the way to go in running an efficient government to benefit the people of the province of Ontario.

We understand the background to the employer health tax. It was a 1985 promise in an election campaign which this government has taken over four years to implement. We understand that.

We understand that the background of OHIP premiums was a freezing of the premiums from 1985 to the current 1989 budget. We understand that the cabinet of this government has made a conscious policy decision in spite of the objections, I suspect, of the Minister of Industry, Trade and Technology (Mr Kwinter) to impose a payroll tax in this province with respect to health care.

We understand the background from small business organizations and advocates within and outside the government, how they warned this government about the negative consequences of a payroll tax, particularly on small business. We have seen the small business reports from the Ministry of Industry, Trade and Technology since 1986 deal with this matter, tell this government and those who are listening that it will have a negative impact, and we have seen this government ignore those recommendations

in that report and proceed nevertheless with a payroll tax system.

So that the public understands, we believe payroll taxes are broadly defined as amounts collected by governments from business on the basis of the amounts of wages and/or other forms of remuneration that businesses pay to employees. Whether it is your standard wage, whether it is a bonus, whether it is deemed to be a benefit under whatever regulations may be implemented or introduced to implement this legislation or tax policy generally, all of these matters will be subject to this payroll tax. It will affect, for instance, a miner. It will affect bonus provisions that the mine will negotiate with the miners. It will affect commissions businesses will pay.

As something that has undoubtedly been dealt with in cabinet and by the Liberal caucus when it considered this bill, imagine a lawyer who is self-employed, an accountant who is self-employed or a doctor or dentist who is self-employed. He will have no obligation to pay for health care in this province other than through his general personal income tax, and if he is incorporated, through his corporate tax. He will have no obligation to pay through the payroll tax system because he is self-employed, because he is not on a payroll. What a disincentive to employment in this province.

That is precisely why the Ministry of Industry, Trade and Technology, in its small business branch, warned against this kind of tax measure. What a disincentive. Those who are not on payrolls, regardless of how much they make, professional people who do not place themselves on payrolls, will not make a payroll tax contribution to health care in this province. But those who commit themselves to the economic livelihood of this province by employing people will pay the shot. How is that for equity and fairness? What message does that send out to people who are looking at expanding their businesses in this province, who are quite legitimately looking at their options?

If members think that is not a concern, I want to go back to what the Treasurer of this province was reported as saying on 6 October of this year. I think it was at a meeting or a luncheon of the Canadian Manufacturers' Association. He was urged to respond to the growing unease about the competitive position of Ontario vis-à-vis investment, economic development and expansion and employment as opposed to other jurisdictions. The response of the Treasurer was that it was a legitimate concern, but he thought Ontario was competitive.

What was the first thing he went to try and make an argument that Ontario was competitive? The first thing he went to was the tax rates, clearly a link between competitiveness and overall tax policy even in the Treasurer's own mind. Here, he quoted corporate tax rates between Ontario and three selected jurisdictions to try to make his case, although he admitted that business had a right to be concerned. If business has a right to be concerned, employees have a right to be concerned because it is their economic livelihood, their economic future and the future of their children and their families that are equally at risk.

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If there is no concern about tax policy and its impact on economic competitiveness, certainly the Treasurer did not make that case. Certainly in his own mind he linked the two, and certainly in the Saskatchewan budget of 1989 and the Quebec budget of 1989, tax policies compared to those of Ontario were front and centre in the budget documents to try to encourage investment dollars into those provinces, as opposed to Ontario, I presume.

That is why Ontario was singled out; trying to encourage economic expansion in those provinces, I presume, as opposed to Ontario, trying to encourage more employment in those provinces as opposed to Ontario. They are making a case in those jurisdictions about the slipping competitive position of Ontario in a national framework. Certainly, the walking feet across the border of the United States and Canada speak volumes to tax and economic competitiveness as well.

We have heard the stories of the people working in Windsor and living in Michigan and why they are doing it. I suspect there is probably a similar concern shared by the good people of Sault Ste Marie as to what it all means when these stores come out in the newspapers. Whether they are true or not, it has to be a source of anxiety and concern to border communities.

We have to address this issue, put the numbers up front and make the case for Ontario in a way that I do not believe it has been made in the last couple of years, that we have a great workforce of very competent and dedicated workers, that we have the right economic climate and that this is the place to locate even in a North American context, that we have the resources, the communication systems and the social services to attract investment, corporate enterprise and employment into this province.

These kinds of measures, I believe, and this kind of coherent policy over three years now,

send the wrong messages out to those who are looking for places to invest money and to locate and expand.

Source deductions, of course, are already made from the payrolls of working people in this province regardless of the profitability of the firms involved. It is not like an income tax. It is not like a corporate income tax. Regardless of how profitable the operation is, there will be a tax on the total wages paid to working people who work for that company, for that business. Even if they are losing money, those businesses will be paying payroll taxes based on the size of the payroll.

There are those who say you can plan around it by your preparation of income tax statements and your deduction of losses. Yes, you can plan around it. You can play with depreciation. You can do all sorts of things to affect the tax consequences of payment of income tax and corporate taxes to the federal and provincial governments, but the fact of the matter is that this is an additional tax on wages paid. It is a payment regardless of profitability. It constitutes in my mind a source deduction no different than unemployment insurance, no different than Canada pension plan premiums or contributions, no different than workers' compensation. It is just another addition to this list.

**Mr Fleet:** For the benefit of the workers.

**Mr Pope:** The member for High Park-Swansea, Lord Fleet of Swansea as I used to say in the last session, repeats the same argument that the government makes every time it imposes a tax, that it is for the benefit of the workers. We now have someone who says that when you pay out 53 per cent of your wages in taxes every year, it is all for your benefit and you should not worry about it. Using that logic, pay the whole works over to the government and you will be even better off. What kind of Liberal logic is that to throw at the people of Ontario? Pay it all over. Just work for the government and you will be even better off.

Is that not the logical conclusion to what he is saying now? The logical conclusion is to just give it all. The next thing he will be arguing for is a national wealth tax. He will be arguing that pretty soon, where you will pay a percentage of your total net worth every year. They are probably already talking about it in this cabinet. I would not be surprised at all.

**Mr Epp:** Shh, it's a secret.

**Mr Pope:** It's a secret. I guess I let that secret out; sorry about that.



Just to put on the record our understanding of the key features—the minister may want to respond to this at the appropriate time—the tax will be levied on all employers having permanent establishments in the province including all governments, charities, nonprofit organizations and provincial government transfer payments recipients such as hospitals, universities, colleges, municipalities and school boards.

The Ministry of Revenue has advised us that it is not something that is subject to a checkoff. It is not a checkoff item. The tax is based on total remuneration paid to all employees who work at or who are paid through an Ontario place of business.

Remuneration under Bill 47 is defined to include all amounts required to be included in the employee's income from employment for income tax purposes including taxable benefits, including such things as bonuses, taxable allowances and commissions. I understand that the government is proposing to amend the bill to permit the Lieutenant Governor in Council the authority to prescribe by regulation any type of amount or benefit that will not be included in remuneration for the purposes of determining the amount of the tax to be paid by the employer.

I understand the Lieutenant Governor in Council, ie, the provincial cabinet, may be looking at regulations that will address the issue as to what benefits will be included in calculation of the payroll base for the payment of this payroll tax. We will be eager and pleased to learn from the minister the policies and principles that those regulations will contain.

The tax will be levied as a percentage of total remuneration according to a schedule of graduated taxes linked to the total remuneration paid by the employer, and of course the bill in section 2 sets out that schedule. It is 0.98 per cent for employers "where the total Ontario remuneration paid by the employer during the year does not exceed \$200,000" and a rate of 1.95 per cent for employers "where the total Ontario remuneration paid by the employer during the year exceeds \$400,000," and there is a graduated scale, of course.

The rate is not capped, nor is there any ceiling on the dollar amount of payroll on which tax will apply, so it is a straight rate of 1.95 per cent on all total Ontario remuneration paid during the year over \$400,000 regardless of how many millions of dollars it may be.

The employers who are taxed at the top rate must pay monthly instalments calculated on the remuneration paid in the previous month. Just to

put into some context the \$200,000 minimum rate of 0.98 per cent, that would be the equivalent of a mine operating with four miners. So we are talking about most of the businesses in Ontario other than family businesses or businesses with one or two employees as paying in excess of the minimum rate of 0.98 per cent.

Monthly payments: The paperwork that entails is clear. All employers who are already frustrated with the reporting requirements from various levels of government right now are going to have another one thrown at them.

We understand that there was problem with respect to 1 December 1989, but the minister in his opening statement, I believe two days ago, indicated there would be some amendments to take care of the December problem. We trust the minister will be tabling those amendments and in fact doing that. The liability to pay this payroll tax starts on 1 January, and the first instalment is due in April of next year.

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There has to be an annual return, the reporting requirements plus an annual return at the end of the year, with any balance of the tax payable to the Ministry of Revenue. I presume that will be through local offices, regional offices if required, and as has clearly been admitted by both Treasury and the Ministry of Revenue personnel who met with our caucus researchers, self-employed persons are exempt from the tax.

There will be administrative provisions announced fairly soon by the Ministry of Revenue. We believe that this payroll tax will be not simply a replacement of OHIP premiums but in fact a major new revenue source for the government of Ontario. Just as we heard that GST was a replacement of manufacturers' tax and found out there was a significant tax increase rolled into it, we also see that the payroll tax is not just a replacement for OHIP premiums, but in fact there will be a significant tax increase rolled into it and no guarantee that the payroll tax rate will not be increased in subsequent years by a deliberate budgetary policy of the Treasurer of the province of Ontario.

If the tax at its proposed rates was in place for all the current fiscal year, we believe it would be the fourth biggest tax revenue generator of the province, ranking only behind the personal income tax, the retail sales tax and the corporate income tax as a money-maker. So not only do we believe it is not simply a replacement for OHIP premiums and there is an additional revenue source rolled in, but we think in raw dollar terms what has been announced here is the fourth

biggest tax, fourth biggest source of revenue, for the government of the province of Ontario.

The size of the yield to the government has sparked, the tax dollars generated for the government coffers has generated a lot of concern that it will in future be looked upon as a revenue item to be used by the Treasurer at his whim and will in announcing future revenue and tax sources to meet the needs of the provincial government.

In the current fiscal year, the tax will add a projected \$489 million to provincial revenues. Now we think that those numbers are out of date based on the minister's announcement of the 23rd about how December would be treated, so there may be some adjustment in that, but there will be sizeable revenue. In the current fiscal year, revenues from the employer health tax and OHIP premiums are projected at \$1.79 billion, representing 12.87 per cent of the total budget of the Ministry of Health. That includes operating and capital. In the full fiscal year, this tax will raise an estimated \$2,114,000,000, \$271 million more than would have been raised by OHIP premiums.

That is why we say it is not simply a replacement tax, it has become, from its very inception, an additional source of revenue for the government of Ontario. At \$2,114,000,000, as the proceeds from the employer health tax, this would cover 15.2 per cent of this year's Ministry of Health budget, both operating and capital. That is an increase from 12.87 per cent. That is why we say it is additional revenue. We want to give members the equivalent so they can analyse our numbers.

The estimated full-year yield by tax bracket for the 0.98 minimum rate is \$174 million. For the graduated rates that is below the maximum \$105 million and at the maximum 1.95 per cent rate would generate just over \$2 billion, in fact \$2,009,000,000. The tax policy branch of the Ontario Treasury was kind enough to give us those estimates that we are relying upon. It is interesting to note that the employer health tax will also impact on federal revenues in that the federal government will also have to pay the tax on its Ontario payroll. The direct payroll tax cost to the federal government has been estimated at between \$92 million to \$100 million on an annual basis, given current salary levels.

That means that this—and it will be interesting to hear the Treasurer and the Minister of Revenue about the negotiations that went on in this—is a unilateral measure by the province of Ontario which will generate more revenue from the

federal government. Whether that makes up for some complaint about transfer payments from the federal government to the province, I do not know. It could be and if that kind of financial or fiscal war is going on between the province and the federal government, I think we have a right to know about it since it is our tax dollars we are arguing about, whether they be federal or provincial, and I hope the Treasurer or the Minister of Revenue will deal that issue.

In addition, the federal government, we understand, will incur other costs as a result of the switch from OHIP premiums which were a taxable benefit for federal tax purposes to the employer health tax which will be tax deductible. Estimates indicate that the federal government could lose \$320 million annually in corporate taxes and just under \$300 million in income taxes as a result of the move to the employer health tax.

Again, since it is our tax dollars that are being dealt with in this conflict between the federal and provincial governments, whether it be friendly or otherwise, I think we have a right to know what is going on behind the scenes, where it all washes out, what the net effect is on the federal government's fiscal position and on the provincial government's fiscal position and the net effect of all of these things on the net transfer payments to the province from the federal government as a result of these measures.

Are we going to continue—

**Mr Fleet:** Why don't you ask Mulroney for the answer?

**Mr Pope:** Now the member for High Park-Swansea says that his government does not have the obligation to answer any of these questions. I happen to think they do and if they do not want to, maybe we will just find a government that does want to answer these questions, since it is the residents of Ontario who have to pay these taxes. I am glad the member for High Park-Swansea keeps on rolling these Liberal government attitudes out for everyone in this province to understand and respond to.

**Mr Fleet:** I'm the only one listening.

**The Speaker:** Order.

**Mr Pope:** I am sorry, Mr Speaker. It is interesting that some members of this Legislature who are so concerned about small business lost the battle over the implementation of payroll tax when it came to this particular piece of legislation. I think it is rather interesting—

**Mr Mahoney:** At least I don't go home to my riding all the time.



**Mr Pope:** Well, the member should spend more time in his riding. He may understand what is going on out there. He may understand the impact of this government's tax policy if he spends some time in his riding. It might be an interesting sidelight for him from his work down here.

There is no doubt that the introduction of this payroll tax will require the development of a new assessment base by the Ministry of Revenue. The ministry, we know, is trying to work very hard at this. It has sent out over 450,000 questionnaires to employers across the province of Ontario to establish the assessment base, applicable rates and payment schedules.

I am just saying that there is a substantial cost to the implementation of these tax proposals, a significant new cost. How it will be reflected in ongoing costs in the Ministry of Revenue is something that we will want the minister to address, and no doubt he has those answers in his reply.

The officials in the Ministry of Revenue were good enough to give us some estimate that about

\$50 million would be the cost to develop and implement the new tax and that 200 new employees would be required by the Ministry of Revenue to operate this employer health tax system.

At the end of the first quarter of the current fiscal year, about \$3 million will be spent on computers for the new system. We talk about 200 new employees. We talk about the \$50 million in implementing this tax program and \$3 million in computers. These are just some of the costs that the Ministry of Revenue officials and the Treasury officials have been good enough to give us, some of the costs that the taxpayers of this province are paying so that they can be taxed more.

**The Speaker:** Does the member have much more to refer to?

On motion by Mr Pope, the debate was adjourned.

The House adjourned at 1800.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

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- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
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**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
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 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
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 Campbell, Sterling (Sudbury L)  
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 Cooke, David S. (Windsor-Riverside NDP)  
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 Farnan, Michael (Cambridge NDP)  
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- Reville, David (Riverdale NDP)
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- Smith, E. Joan (London South L)
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- South, Larry (Frontenac-Addington L)
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- Sullivan, Barbara (Halton Centre L)
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- Tatham, Charlie (Oxford L)
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- Wildman, Bud (Algoma NDP)
- Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)
- Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 59

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Thursday 26 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 26 October 1989

The House met at 1000.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS ASSISTANCE TO FARMERS

Mr Villeneuve moved resolution 29:

That in the opinion of this House, recognizing that the government of Ontario has failed Ontario's agricultural sector by:

1. not providing a higher budgetary and program priority to agriculture;
2. not consulting with agricultural organizations prior to instituting major program changes;
3. having a dismal record of co-operation and consultation with the federal government;
4. providing no leadership within the government to promote alternative crop uses;
5. cancelling interest rate relief as interest rates have risen;
6. ignoring its own report concerning free trade;
7. failing to recognize in a timely manner the importance and implication of the current GATT round;
8. retreating from announced intentions to protect agricultural land, and
9. not having the policies and means to ensure a healthy industry for Ontario in the 1990s and beyond;

the government of Ontario should: provide a program to replace the Ontario family farm interest rate reduction while interest rates remain high; abandon the changes to the farm property tax rebate program at least until after consultations take place with the farming community; take a more active role on alternative crop uses, particularly in co-ordinating with other ministries, and establish a prebudgetary hearing process to better set agricultural spending priorities.

**The Speaker:** I am sure all members are familiar with standing order 94 setting out the procedure. I will recognize the member for Stormont, Dundas and Glengarry for up to 10 minutes.

**Mr Villeneuve:** Agriculture is a very important part of this great province and probably one of the industries that has made this province great

and economically more viable than probably any other part of this country and maybe even of this continent. But when it comes to agriculture and agricultural programs and budgeting, it is obvious that this provincial Liberal government here in Ontario has relegated both the minister and the Ministry of Agriculture and Food to the back burner with low priorities.

As real interest rates increase, the government has called down and then ended its interest rate relief program. It has scaled it down from 100 per cent to, this year, no support at all. It makes no sense, but that is what has happened.

While the Liberal government campaigned in 1987 by telling Ontario farmers that free trade would destroy agriculture, at the same time it created the Ontario Farm-Start program with great fanfare to help new, beginning farmers. That was clearly little consistency because, if indeed free trade was going to destroy agriculture, why bring in new people? No one quite understood that one, but it went ahead.

Nothing, of course, was done pertaining to free trade, although the anticipation during the 1987 election campaign, ladies and gentlemen, was that agriculture as we know it will disappear. It will totally disappear. Ontario Farm-Start was brought in as a 1987 election campaign promise and, lo and behold, funds lasted for less than six months. Now we have no program to assist beginning farmers and on it goes.

We have seen the Premier (Mr Peterson) and ministers talk of expanding trade with the rest of the world, a very, very noble gesture indeed. The Ministry of Agriculture and Food has a marketing and trade expansion program, which this party and I personally support very strongly. However, in spite of all this talk, the Premier, the Minister of Agriculture and Food (Mr Ramsay) and the Treasurer (Mr R. F. Nixon) threaten to ignore the rulings of the GATT. That is interesting. We want to participate on a world-wide basis, but we will just disregard rulings of the GATT.

Does this government seriously expect to improve its trade relations with the rest of the world and, at the same time, threaten to ignore the rules of the game? That kind of behaviour is more suited to a spoiled child, a spoiled brat, than



a responsible government. It is called playing crass politics, and it is sad but true.

Our party has supported the free trade agreement, although there were certain areas that we did not agree with and we said it. However, we never did say that we would overlook rulings and decisions by the GATT. We were not playing politics as the Premier and all of his elected officials and candidates played during the 1987 election campaign.

I would suggest a bit of crystal ball gazing; the same thing will happen in 1990 on the goods and services tax. I see it happening now. It served them well politically in the past and they are not about to turn around and turn over a new leaf. Instead, the Liberals succeeded in whipping farmers into a real frenzy over free trade with the real issues being totally ignored. It would seem that in recent years political expediency, rather than sound objectives, have come to dominate the agricultural policymaking of David Peterson's Ontario.

I cite the elimination of the Ontario family farm interest rate reduction program, a program that was very welcome across the province of Ontario, a program that helped those farmers with high debt load reduce their interest rates to eight per cent. The same government is now undermining the farm tax rebate program by reducing the payouts to farmers from \$167 million to \$140 million, again playing crass politics without even consulting farmers or their organizations. Ontario Farm-Start, to all intents and purposes, exists no longer. The budget of the Ministry of Agriculture and Food was chopped from \$579 million to \$522 million, or some \$57 million less than had been budgeted for. If this is not crass political gamesmanship, then I do not know what is.

Anticipation has been built up to the point where they can never ever deliver and, indeed, they are not even trying to maintain what was in place prior to the 1985 and the 1987 elections.

I questioned the Minister of the Environment (Mr Bradley) yesterday regarding alternative fuel uses. We out in rural Ontario can produce the renewable resources to replace the octane enhancers in our fuel that are actually undermining and deteriorating our environment to a great degree.

I attended a conference last week called a Clean Air Conference, which somehow or other the Minister of the Environment never even heard about, because in his answer to me yesterday he said he was not ready to ban MMT because the alternatives were even worse.

**1010**

I have some advice for the Minister of the Environment that does not come from me; it comes from people who have studied the subject to a great degree. I will provide some answers for him and I hope either that somewhere his colleagues will relay the information to him or that he is watching on his monitor somewhere because he is not here today.

Some 75 to 90 per cent of carbon monoxide in the atmosphere today is a direct result of car emissions. Carbon monoxide is not a very good product to have our public inhale, particularly in those areas with heavy concentrations of population and cars, such as we have in the greater Toronto area. We have 4.5 million people living within a very small area, and carbon monoxide is one of the major problems in our atmosphere here in the city of Toronto.

The only way to reduce carbon monoxide emissions is by using fuel ethanol. It is the only way not only to reduce carbon monoxide but to protect the ozone layer, a product that can be produced by our grain producers here in the province of Ontario. Grain corn can be distilled without affecting the food chain. We are simply squeezing two per cent by weight alcohol out of the starch in corn, which can then be used as the octane enhancer. It will reduce our dependency on the mega oil projects in western Canada, in eastern Canada and, indeed, across the world and will provide a cleaner environment.

This government has seen fit to reduce the support for agriculture very dramatically by \$57 million over the last year and by almost the same amount the previous year. Now I can foresee an election coming and I know that there is a request out there for ideas, ideas from the farming community. The Minister of Agriculture and Food cannot have all of the confidence of the Premier because he has now been supported by two parliamentary assistants. I hope that they can provide some input.

**Mr Wildman:** Who are they?

**Mr Villeneuve:** They are very dedicated members of this assembly and I hope that they have some input, but I wonder, because whenever the farm tax rebate changes, the former minister, the man who made a lot of noise and did a lot of boasting, was not even consulted. It came from Mr Nixon that there would be changes to the farm tax rebate and Mr Nixon decreed that it would be a maximum of \$40,000 of off-farm income. Of course, the Minister of Agriculture and Food agreed and danced to the music.

I am afraid that we are going to see a lot of this as time goes on, that the shots are being called in the corner office, the Premier's office, the Treasurer's office. The minister and his two parliamentary assistants will say yes, will say no and will say maybe at the whims of whatever the corner office tells them. I am afraid that agriculture is being relegated to a very low priority as is now seen with the actual dollars that are being withheld indeed after having been budgeted to the Ministry of Agriculture and Food.

Mr Speaker, I will keep the rest of my time to answer my colleagues.

**The Speaker:** I might just remind all members that when we refer to another member of this House, please do not use the surname. Please use the riding or the ministry.

I will now recognize the member for Cornwall.

**Mr Cleary:** I would like to begin by emphasizing that the Ministry of Agriculture and Food's budget has increased significantly since this government has assumed office. For this current fiscal year, budget allocation has increased 65 per cent, that is, 35 per cent in real dollars, over the ministry budget of the previous government.

In addition, this government has introduced a number of new programs which have clearly assisted Ontario's agriculture sector: to name only a few, Ontario Farm-Start, tripartite stabilization and Ontario soil conservation. These programs and many others have contributed to the competitiveness, protection, education and financial stability of the farmers in this province.

Clearly then, the growth in this ministry's budget has slowed in the last year as an obvious reflection of the farm economy's improvement. I would have to dispute with the member for Stormont, Dundas and Glengarry reference of inadequate levels of consultation between the government of Ontario and the federal government.

Many of these shared issues have been discussed recently with the Minister of Agriculture and Food and Don Mazankowski. Some of the recent concerns were ice cream and yoghurt and crop insurance. There has also been much consultation with the former Minister of Agriculture and Food, the member for Huron (Mr Riddell), and the federal government over an issue I am sure the member for Stormont, Dundas and Glengarry remembers quite well. This discussions concerned a municipal drain, the

Payne Drain, right in his backyard quite close to the member's home.

The former minister talked with the Conservative federal government which originally planned on equal sharing, one third federal, one third provincial and one third land owners. As a member from eastern Ontario concerned about the agriculture community, I had many meetings with the Minister of Agriculture and Food and he was very sympathetic to these farmers. This consultation resulted in the Ministry of Agriculture and Food not only paying its share but also paying the federal share in the amount of some \$570,000.

I feel the member for Stormont, Dundas and Glengarry must surely realize the means by which this government assists farmers on a day-to-day basis, especially when some of the things happen very close to his home.

After the election of 1985, it appeared that the former government in office had lost touch with agriculture. Frequently, the programs introduced at this time were mere rewrites of what already existed. Since the government of the day came to power, there has been a vision, a look towards the future. The present government initiated the OFFIRR program because it was fit for the times.

The OFFIRR program was introduced when interest rates were 19 per cent. The prime rate is now somewhat less, but then I am sure the member for Stormont, Dundas and Glengarry is already aware of this information. I believe he had requested the information on the OFFIRR program here in the House on 21 June 1989. The member must realize the time has now come to move on to different initiatives in the farm finance area.

It seems incredible that the member for Stormont, Dundas and Glengarry could be unaware of the major priority-setting process of the Ministry of Agriculture and Food. This review will undertake ministry priorities in consultation with farmers, agribusiness, food processors and consumers.

May I share with the member the Ministry of Agriculture and Food's Toward 2000, preparing for the future. In addition, a series of meetings with external groups will be held across this province. It is expected that some 400 people will provide input at these meetings.

May I take the opportunity to invite the member for Stormont, Dundas and Glengarry to at least one of the two Toward 2000 consultation sessions which will be held in Alfred and Kemptville, very close to his home. It seems clear to me, as it should to the member for



Stormont, Dundas and Glengarry, that the Ministry of Agriculture and Food has the means to ensure a healthy agricultural industry for Ontario in the 1990s. Not only do we have the outline I hold before him here; we have the assurance and capability of addressing the needs of the agrifood sector now and in the 1990s.

#### 1020

**Mr Wildman:** I rise to participate in this debate because I think it is a most important topic. I must say that I agree with some parts of the resolution, but have some difficulties with some of it as well. I will explain that in a moment. I think one of the major problems the farm community faces in Ontario today is the fact that both federal and provincial governments, both Tories and Liberals, have taken the farm community for granted and have not consulted with the farm community as they should have in developing programs to meet the needs of farmers, and have not responded to the problems that the agricultural community in Ontario, and for that matter in the country, is facing.

There are a couple of examples that were referred to by the member for Stormont, Dundas and Glengarry to show lack of consultation by the provincial government. We have seen the discontinuance of OFFIRR—the Ontario family farm interest rate reduction program—and the changes in the farm tax rebate program that took place without consultation, despite what the member for Cornwall (Mr Cleary) had to say.

Frankly, I regret this, and I say that sincerely, but I think the downfall of the member for Huron was a result of the poor consultation or lack of consultation and the poor communication, particularly between the Ontario Federation of Agriculture and the ministry. I think that is one of the reasons he is no longer a member of the executive council.

Let's not forget the fact that despite what the member for Cornwall had to say, we are still in a period of high interest rates. Certainly we are not at 19 per cent, but when members compare interest rates of 11 per cent, 12 per cent and 13 per cent with the current inflation rate, we are in the same situation. The difference between the interest rate and the inflation rate today is just as great as it was when we were at a 19 per cent interest rate.

In fact, as we see the development of the federal government's policies, Tory policies in Ottawa are for a high interest rate approach to stemming inflation. When we see the implementation of the goods and services tax at the federal level and the inflationary pressures that will put

on the economy of this country, despite what Mr Wilson says, the Bank of Canada is going to be tempted to increase interest rates even more.

No one can argue that OFFIRR was needed a few years ago but is no longer needed. The single major problem facing agriculture and farmers today is the credit crunch, the cost of financing their operations. Without a program that is going to lower interest rates and financing costs for farmers, the agricultural community in Ontario is in serious trouble, particularly when members consider that in other provinces those governments have instituted programs to help with farm financing. That puts Ontario farmers in a difficult competitive position, because this province has not continued the OFFIRR program.

Many people expected that the Liberal government would discontinue some of the programs that were in effect prior to their taking to power in 1985 because they were not their programs, but we also expected that when the Liberals did that, they would implement new programs, not discontinue them and not replace them with anything.

To argue, as the member for Cornwall just did, that a review of the government programs is somehow going to help farmers with financing is ridiculous. The farm tax rebate program, which was changed without even consulting with the Minister of Agriculture and Food, much less the agricultural community, is an example of this lack of consultation and the problems we face with it.

We have had the argument put forward in this House of the problems people who make \$40,000 or more off the farm are going to have because they will not now be able to be eligible for the farm tax rebate. I am concerned about that, but I am even more concerned about those farmers who do not make that much money off the farm but who do rent a lot of land and what the effect of this change in the program is going to have on those people.

Obviously, in the past their neighbours, the property owners who are renting them the land, have counted the lease rate, the rental rate and the farm tax rebate as their income from their properties. Now that they are no longer eligible for the farm tax rebate, they are obviously going to increase the rental cost to the farmers. That is going to make it very difficult for a lot of farmers to continue farming the same acreage they now are farming because their rental rates are going to increase.

The Ministry of Agriculture and Food has argued that will not happen this year. Well, it will

not happen this year simply because this program came in without any consultation, so nobody had any warning and the people who are renting the land could not increase their rates. They will next year and we are going to have a lot of agricultural land go out of production because farmers cannot afford to continue renting as much land.

In my view, the whole reason for this program was not to subsidize farmers in some way, but rather to encourage the continuation of the farming of land, an incentive to keep food land in agriculture. This government, without consultation, has removed that incentive to a large degree. I think that is an example of poor consultation and one that has to be changed.

This government has argued that it is in favour of improving land stewardship and agricultural methods and of having the land stewardship program. We know the land stewardship program is underfunded and oversubscribed. There are going to be fewer and fewer new applicants who are going to be able to get assistance.

In May, the Ministry of Agriculture and Food sent out 500 letters to applicants saying it could not give them any assistance under the program this year because the money was already spent. A lot of the applicants from this year are going to get money from next year's program. The program runs out in August and we do not know if there is anything to replace it. Again, there has been no consultation with the agricultural community on what is coming on this except, I suppose, as the member for Cornwall referred to it, a review.

This government has retreated on the protection of food land. We have the Food Land Guidelines. We have not had any movement on ensuring that those guidelines are going to be put in municipal official plans, so they remain just guidelines, something that has to be referred to but something that is not enforceable.

We have farmers who have this credit crunch, who have these financial pressures facing them that are persuading many of them that perhaps it is better to get out of agriculture who are also under the pressure of the development industry, particularly in this part of the province. It becomes less and less likely that those farmers are going to be able to stave off the encroachment of urbanization into the farming areas.

I might say, though, that we have similar problems with the federal Tories. The member for Stormont, Dundas and Glengarry referred to the free trade agreement and the GATT. We all know the difficulties that free trade is presenting to the agricultural community. I will not go into

that now, but let's look at the GATT for a moment.

At the time the free trade agreement was proposed, the Conservatives argued that there would be a dispute settlement mechanism that would resolve problems in trade between the United States and Canada, but we now find that the new rules are all stacked against us because if the Americans cannot get what they want through the dispute settlement mechanism under the free trade agreement, they then go to GATT. The Americans have protection under GATT and we are stuck with rulings similar to the one that just came down on ice cream and yoghurt.

Obviously agriculture is threatened because the federal Tories have not taken into account the needs of agriculture, but the provincial Liberals are not in any way trying to counteract that. Neither of these two parties is consulting with the agricultural community as to what should be the best approach. I support the view that we should be moving to more alternative fuels and using ethanol to improve the market for things like that crop.

I will close by saying that if this government and the federal government really believe agriculture is important and should survive in Ontario, which is the major agricultural province in this country, then they must consult with the agricultural community in a serious way about how to develop programs that will meet the needs of agriculture in the modern situation, going into the 21st century.

In the past, this has not happened. The farm community has been disappointed by the lack of consultation and I think would be forgiven perhaps if the farmers said to both Liberals and Tories, "A plague on both your houses."

### 1030

**Mr Pollock:** I want to compliment the member for Stormont, Dundas and Glengarry on his efforts to bring forth this resolution. It shows he is really concerned about agriculture, and his views of agriculture and the concerns of agriculture should be echoed in this House.

First, I want to share with the members some concerns I have about landfill sites going under prime agricultural land. I know of a particular municipality that was always considered an agricultural community and there are five landfill sites picked for that township. People are farming on every one of those landfills sites. Also, one of the criteria to get you off a landfill site designation is if you have water levels close to the top of the ground. All those sites have water levels close to the top of the ground.



There is also an ARDA map that says some of those sites are prime agricultural land, but the people in charge refer to some other particular map and they do not put any stock even in an ARDA map. It is a major concern to me. Some people prefer to put garbage in landfill sites rather than burn it, but there is no proof and over the next 50 or 100 years landfill sites might be as damaging to the environment as burning garbage.

I would also like to share with members a meeting I attended in Marmora last Saturday morning. The meeting was organized by a group which calls itself TNT. That stands for Take no Trash. There is a proposal out there to actually put Toronto's garbage in the old Marmora iron ore mine. I am sure that will eventually pollute that whole area.

I would like to give members a little history of that old Marmora iron ore mine. When it was in operation back in 1978, there were pumps there running 24 hours a day trying to keep the water out of there. Also, they mentioned at the meeting Saturday morning that one fellow sank a shaft down there with an eight-inch drill, and when he pulled out that drill the water came in the full size of that eight-inch hole. Therefore, there is all kinds of water coming in there. There is now 350 feet of water in there. They claim there is over a billion gallons of water in there and they feel that if they ever start dumping Toronto's garbage in there, that will pollute the water levels of all that area around there and really affect the farm community. Water is as important as land to the farm community.

I would also like to mention my concerns over the farm tax rebate. The farm tax rebate is very confusing to our senior citizens. A senior citizen is eligible to claim not only the farm tax rebate but also the senior citizens rebate. To claim the senior citizens rebate, he can just claim that on his house and lot. Therefore, he has to get that figure from the municipality in which he lives. He then claims for his senior citizens rebate. Then he can claim on his farm tax rebate on the farm and the farm buildings if he is producing any farm materials.

It is very confusing for senior citizens. They do not understand it. It makes it even worse if they have two properties and those properties happen to be in different municipalities, or if one property is in the husband's name and maybe the other property is in the wife's and the husband's name. As I say, it is very confusing for senior citizens.

I got a letter from a person very concerned about this farm tax rebate. He worked on a job and that job eventually got phased out. Anyway, he was allowed so much severance pay. You are supposed to put all your earnings, including severance pay, on line 150, which he did. This put him way over the benchmark figure of \$40,000. This fellow has been farming in a cow-calf operation for two years. He is a full-time farmer but he is not going to get any farm tax rebate because he has to enter that figure on line 150. It is a major concern to him. It does not seem fair to me either. He does not even have to pay income tax on that amount, but he has to enter it on that line.

**Mr South:** Farmers are making too much money. Have to tax their wealth.

**Mr Pollock:** I would like to also share with the members my concerns about the loss of our exports in grain. I have a chart here that indicates our grain sales for 1987-88 and 1988-89. With the exception of two, our grain sales are way down. We were up slightly in grain sales last year, for 1988-89, on oats and canola, but on the other five grains—wheat, barley, rye, flax seed and corn—we were way down. In fact, in corn we were down from 370,000 tons to 20,000 tons and that crop is primarily grown here in Ontario.

We are losing a lot of these export markets. This is a real concern to me and I am sure it is a real concern to the rest of the country because when you lose these markets, it takes a long time to actually get them back, if you ever get them back. Some other country takes it over. As I say, that is a major concern to me.

I might say that I also read in Maclean's magazine—I am getting back on the subject of garbage and the care of the land—an article that stated that in Canada there are 270,000 tons of diapers going into landfill sites every year. It also mentioned that every 14 seconds one hectare of land in the world—we lose one hectare of arable land. Our track record here in Ontario is no better than any other place in the world, even with all our technology and expertise.

These are some of the things that I wanted to share with you, Mr Speaker, and with the House. It is a major concern to me. Once again, I compliment the member for Stormont, Dundas and Glengarry on his efforts to bring forth this resolution.

**Mr McGuigan:** I want to join my colleague the member for Cornwall in this debate. I find it rather strange that the member for Stormont, Dundas and Glengarry suggests we have a dismal record of co-operation with the federal govern-

ment. After all, it is his colleagues who have made every effort to claw back so many programs from rural Ontario. They are going to take back fuel tax rebates. Rural post offices are closing. We have Via Rail shutting down. We have a promise for no more drought payments, regardless of the weather.

**Mr Villeneuve:** You want to talk about drought payments, Jimmy? We will talk about drought payments.

1040

Interjections.

**Mr McGuigan:** That is their promise. They are going to take back portions or all of the \$300-million federal dairy subsidy and they are bringing about the end of the free cash advances on stored grain. These are just a few of the things that his federal friends are taking back.

If we seem to be at odds with the federal government, it is because it is that Tory government that brought free trade down on to this country, and this is despite our very strong opposition. That Tory government has not had the same interest that this Liberal government has had in protecting the Ontario farmer from international trading practices. I guess we do find it difficult to co-operate with them on these assaults.

You cannot disguise the fact that it was the federal Tories who made the 1988 drought payment promises. The Treasurer of this province will not, and the member would be the first to criticize him if he gave a blank cheque to other governments for their federal election promises.

However, I do think it is important for the member to know that earlier this month, the Minister of Agriculture and Food met with his federal counterpart, the Honourable Don Mazankowski. The minister made clear Ontario's concern in some important areas, including crop insurance and the GATT panel ruling on ice cream and yoghurt. As well, an accord on soil and water was signed.

There are very many co-operative agreements that we have achieved in consultation with the federal government, but if the member thinks we should knuckle under on the free trade issue or that we should give in on the crop insurance question, I am afraid that is not what the farmer of Ontario would want, and we are going to consult with the farmer of Ontario.

I remind the member that it is this government that has offered tripartite funding on crop insurance. We are alone in this, but we are sticking with it because we see it as a better deal for the farmer, and it will not happen unless the

federal government agrees. Those are the member's partners.

This said, I should add that following the minister's meeting with Mr Mazankowski, a great relationship was stuck up. The ministers are holding regular telephone conversations and have agreed to meet again in the very near future.

I guess it is sad to hear the member's comments that the government of Ontario has ignored its assessment of the impacts of the Canada-US free trade agreement on the Ontario agrifood sector. I would like to inform the member that the government has taken numerous measures to ensure that any losses to Ontario farmers and food processors as a result of free trade with the US are minimized and the benefits maximized.

In this regard, the Ontario Ministry of Agriculture and Food has been working with the Ontario food processing industry to develop and design measures that will ensure the long-term viability of food processing in the province.

**Mr Villeneuve:** That is why you shut down the Chatham plant.

**Mr McGuigan:** We have not shut down any plants.

We are committed to the revitalization of the Ontario grape industry through the Ontario grape and wine adjustment programs.

We support strongly the Ontario dairy and poultry industries in their bid to ensure that the strength of Canadian supply-management systems is not weakened by US competition.

I heard the member saying that we should abide by outside rulings. OMAF is providing direct input into the negotiations on technical standards to ensure that Canada's quality grading regulations and high standards for plant, animal and human health are not undermined. I would remind the member that our standards are the highest in the world.

We have a group examining the present status of the vegetable processing industry with a view to enhancing its long-term competitiveness.

The member will want to know that consultations continue with the Ontario agrifood sector on the implementation of the FTA, most notably on the current negotiations to accelerate the reductions of specified tariffs on bilateral trade.

This government continues to actively represent the best interests of the Ontario agriculture and food sector in all agricultural trade disputes with the USA. For example, in response to the recent imposition of US countervail duties on Canadian pork, the government of Ontario will be making representation, along with the federal



government, under article 19 of the FTA, to defend the trade policy interests of Canadian and Ontario hog producers and pork producers.

The government of Ontario opposes the FTA but we realize its existence cannot be ignored. We remain committed to ensuring that Canada-US bilateral trade regulations evolve to the benefit of Ontario farmers and food processors.

The Liberal ministers of agriculture and food have been consistent in their efforts to ensure that the federal government fulfils its responsibility. Ministry officials are directly involved in ongoing consultation on the implementation of the FTA and will continue to monitor trade developments with the USA.

The member has raised the question of alternative crops. Since being appointed to the Ministry of Agriculture and Food, I have raised this issue with the minister. He has agreed to allow me the opportunity to work in this area to expand on some ideas of his and mine for the north and all over the province.

I have some firsthand experience at developing and growing alternative crops. The Cedar Springs Cherry Growers Co-operative, Blenheim, of which I was a founding member and for several years president, began for the purpose of processing sour cherries and has since expanded to process and ship fresh peppers.

Omstead Foods in Wheatley started as a fish processor and has expanded to include many fruit, vegetable and cheese products. Many Essex-Kent growers supply cauliflower and Spanish onions to this market and a great deal of this production is shipped to the United States. Look around south Essex to see the agriculture producers who are now producing nursery stock. Go to Norfolk county to see the alternative crops now grown by former tobacco growers.

The Ontario crop introduction and expansion program has now been in operation four and a half years. The ministry, under this government, has been actively developing export markets. We are experimenting with new crops, but this is not enough. We must have the markets for those crops and we are working in that regard. We have an excellent record in this area.

I am surprised that the member for Stormont, Dundas and Glengarry would suggest that this government has not protected agricultural lands. The Food Land Guidelines are in effect and they are working. In fact, I am surprised because I had remembered listening to the member discussing severances with the Minister of Agriculture and Food in the House before. I went to Hansard, 11 April 1988. Sure enough, we find the

member suggesting that the guidelines should be breached.

The member supports application for severances on agricultural land and he supports the right to farm. Those are positions that do not sleep in the same bed.

**Mr Villeneuve:** On marginal land, of course. That is common sense.

**Mr McGuigan:** But it is not saving agricultural land and that is the matter he is criticizing of us.

**Mr Villeneuve:** Let's bring a little common sense to it.

**Mr McGuigan:** If you had any common sense, you would have used this time period to bring forth an issue, and there are many, many issues out there in agriculture that need addressing. Instead of bringing forth a want of confidence motion and using this as a political exercise, you could have looked upon all those areas that are affecting agriculture: the European Community, the American 1985 Farm Act.

**Mr Callahan:** Interfering with the integrity of private members' hour, that is what you are doing.

**Mr McGuigan:** That is right. You could look at assaults we are having on our food system.

**The Acting Speaker (Mr Cureatz):** Order, please. I hate to interrupt the member's time, with so few seconds left, but we are getting into debate across the floor. I appreciate your directing your comments to the chair.

**Mr McGuigan:** As always, Mr Speaker, we kneel to your very wise counsel.

I just want to wind up by saying that I think we have missed today a good opportunity to advance some program that would help the Ontario farm community. There are many areas where the member could have picked out specific things. He could have picked out alternate fuels as one of them.

**Mr Villeneuve:** What do you think I was talking about?

**Mr McGuigan:** The member mentioned it, but we did not have a chance to debate it.

**The Acting Speaker:** Order. The member's time has run out.

**Mr Hampton:** Mr Speaker, thank you for the time, finally, to speak. I thought for a minute that the member for Essex-Kent (Mr McGuigan) was going to give us a history of agriculture in Essex-Kent. I will thank him for one thing. He mentioned that what we should do in this hour is describe or talk about some of the things this

government should do or should have done already, since it has been here for four years. I will use the time remaining to me just to talk about some of those things.

I want to re-emphasize what my colleague the member for Algoma (Mr Wildman) has already stated, that the situation out there now in terms of interest rates, and the comparison of the interest rate with the inflation rate, is as severe now as it was in 1982 and 1983. One can talk to any farmer, particularly farmers who are in the beef industry, to find out just how serious that situation is. Yet what has this government done? Away with the OFFIRR program; away with it without consultation, and away with it without recognizing the economic need for the program. That is an idea. It is still not too late for the government to reflect on its past error and do something about it.

#### 1050

My colleague has already mentioned the farm tax rebate program, again done without consultation. Let's face it, no matter how members add it up, no matter how they cook the books, this is strictly a take from farmers. There is nothing reciprocal going back; it is simply a take. If I can perhaps paraphrase what the government member for Frontenac-Addington (Mr South) said, which he would not stand and say but which he said as a comment, it is the government's view that farmers already make too much money. That is the only conclusion members can draw from what the government has done to the farm tax rebate.

**Mr South:** On a point of order, Mr Speaker: The member did not say it is government policy.

**Mr Wildman:** He just said it was your policy.

**Mr Hampton:** I stand corrected. One of the government members feels that farmers already make too much money. The farm property tax rebate program and what has been done to it is strictly and clearly a take from farmers with nothing reciprocal returned.

Let's just look at a few of the other programs. Ideas, the member says. Let's look at the red meat program. It is true, the red meat program was introduced by the former government. We can understand how this Liberal government might want to call it the green meat program or the blue meat program or the blue ribbon meat program or something. They might want to call it the red tie program. We do not really care, but when they changed the name, why did they have to screw up the program? Go talk to any beef farmer out there and he will tell you that the

program that was there two years ago was much superior to the program that is there now. Why did they have to mess up the program? Go ahead, change the name so that it becomes recognized as a Liberal program, but do not put the screws to beef farmers in the process.

Just a couple of other ideas, okay? They reflect agricultural concerns in my part of the province. If you go to northern Ontario, which is increasingly becoming a beef-producing area and a milk-producing area for the province, you will find that there is a real problem with predator control. It is not unusual for a beef farmer, a dairy farmer or a sheep farmer to lose several head of stock a year to predators. Try to interest the Ministry of Agriculture and Food of this government in predator control and see how far you get; you are shown the door immediately. They are just not interested. Farmers can show you loss after loss after loss, and this government simply is not interested, either through the Ministry of Agriculture and Food or through the Ministry of Natural Resources, in talking about predator control. They do not want to even listen to the subject for one second.

The member for Cornwall mentioned that this government is operating on the frontier, looking to the next century in terms of agriculture. If it were, one of the things it would be interested in would be fish farming, a viable way, in northern Ontario especially, to diversify the local economy. Instead, this government says, "We don't think it's feasible." I will tell the members something: The Norwegians and the Swedes have looked at the government's feasibility study and they are saying "Nyet" to its feasibility study. They are going to do it. They will do it where this government has failed, and that is an example of some of the areas this government could move on and has failed to move on, and why there are a lot of farmers out there who are not happy with the government.

**Mr McLean:** I want to divide the time among myself, the member for Wellington (Mr J. M. Johnson) and our critic.

It gives me a great deal of pleasure to have this opportunity to say a few words in support of this resolution from my colleague the member for Stormont, Dundas and Glengarry. As a dairy farmer in Oro township, I know full well that this government has failed the people of Ontario in regard to the farm sector. The member for Essex-Kent had indicated that we should spend our time talking about some of the issues. I am sure that is exactly what we have been talking about.



We have been trying to bring the issues before the government, where it has failed the people of Ontario, the farmers of Ontario. We see this government's failure to provide a higher budgetary program priority to agriculture. We see the government's failure to engage in direct consultation with agricultural organizations prior to instituting major program cutbacks. The government fails to provide leadership in promoting alternate crop uses. This government cancels interest rate relief at a time when interest rates have risen. This government reneges on its intention to protect agricultural land. This government decides to alter the farm tax rebate program without consultation of any kind. It also failed to provide a replacement for the OFFIRR program. I simply cannot understand how we can expect farmers to stay in business when this government has such a dismal and shameful record with respect to farmers of Ontario.

I know of beef farmers who have gone out of business. The wife is a schoolteacher, trying to make money to pay off the debts they have accumulated. They no longer qualify for a farm tax rebate with regard to their taxes. I think it is a shame that the government would institute a program such as it has. I know of many young farmers who want to take over their fathers' farms. That father will be in a position where that farm will no longer get a tax rebate even though it is a full-time farm in operation on a continual basis.

The attitude of this government with regard to consultation with the public is awful. They consulted with regard to Bill 19. They consulted with regard to Bill 113. The people were definitely opposed to what the government was doing, and yet it went ahead and instituted both of those programs. When the member for Essex-Kent gets up and says, "We should have spent this time more wisely," I have to say that it is about time that somebody in this province spoke up for the farmers and the people who feed us. It is shame that these members are in here today indicating to us that they have done just that. They have failed us badly.

**Mr J. M. Johnson:** I would like to commend the member's resolution and, in the two minutes I have left, just highlight that the Liberal government promised open, consultative government and give an example.

The Ontario Federation of Agriculture recommended in its report to the Ontario Treasury, 16 March 1989, that no changes be made in the farm tax program without consultation with farm organizations. The government went ahead and

made changes. I would like to read into the record a few comments by the president of the OFA, Brigid Pyke.

The headlines in the Guelph Daily Mercury of 12 October read: "Farm Rebate Changes Are 'Bastardization,' Claims Pyke." Mr Speaker, I hope you will allow that comment, because it is a quote.

"Changes to the Ontario farm tax rebate program constitute 'a bastardization of the principles that underlie that rebate,' says Ontario Federation of Agriculture President Brigid Pyke.

"Pyke, speaking to Wellington Federation of Agriculture members Wednesday night at Wellington Place"—Fergus—"said the provincial government's changes to the farm tax rebate system seem rational 'at first blush,' but once their full effect is known the changes could be devastating for farmers....

"Since off-farm income is today necessary to keep a farm operating, penalizing that income is a 'bastardization' of the principles used to found farm tax rebates, said Pyke.

"Ontario Treasurer Robert Nixon maintains the changes are designed to keep people like his colleague Attorney General Ian Scott, who owns farm land, from collecting the rebates."

I am sorry if the Treasurer has a problem with his Attorney General, but he should not penalize the farmers.

This is symbolic of this government's "open, consultative process," and I condemn it.

**Mr Villeneuve:** In summarizing, I want to thank all of those who participated: my Liberal colleagues the member for Cornwall and the member for Essex-Kent; certainly the official opposition members, the member for Algoma and the member for Rainy River (Mr Hampton); and certainly my colleagues who support this, the member for Hastings-Peterborough (Mr Pollock), the member for Wellington and the member for Simcoe East (Mr McLean).

If we do not have unanimous support for this resolution, we have the Liberal members endorsing a \$57-million cut in the agricultural budget that happened last year. They are giving their blessing to that, and the two parliamentary assistants got up and spoke about it. They are giving their blessing to continuing the reduction that started two years ago—\$57 million last year—of money that was scheduled for agriculture but went elsewhere. They are giving their blessing to farm tax rebate reductions, a means test on the farm tax rebate and policing—policing, if you will—the income that people make to try to

earn a living, trying to make ends meet on the farm.

They are giving their blessing to that. They are giving their blessing to a number of things I think are outrageous, cancelling the interest-rate relief program, which was initiated by this government as a political ploy before the 1985 election, and yes, it has reduced it.

#### 1100

I appreciate that there is a background paper circulating for the year 2000. It says that the government will consult. The government should try to take a page out of its own book and do it. The former Minister of Agriculture and Food, the member for Huron, said that he did not consult. He spoke to them at breakfast after the decision was made on changing the farm tax rebate program.

If the government goes against this resolution, it is ignoring its own report on free trade. The members of the government are certainly the people who benefited politically very, very extensively from fighting the free trade deal and then doing very, very little about it. The government is not even recognizing that there are GATT decisions that must be addressed by this government, so if it does not support this resolution, it is giving the approval to putting agriculture right off the map.

#### URBAN GROWTH

Mr M. C. Ray moved resolution 27:

That, in the opinion of this House, a select committee on urban growth should be established to examine and report on urban growth patterns in Ontario and to recommend a long-range provincial policy on urban growth. The select committee should consider: (1) variations in urban growth patterns in Ontario; (2) causes of this variation in urban growth patterns; (3) economic, financial, social and environmental consequences of such patterns; (4) short-range and long-range policy options available to the government, and (5) legislative, institutional and program changes required to implement an Ontario government policy on urban growth.

**Mr M. C. Ray:** In recent years, those of us from outside south central Ontario, the Golden Horseshoe, have marvelled at its growth and development and the evolution of Toronto as a cosmopolitan, dynamic and, some have called it, world-class city. We have envied the greater Toronto region its wealth, its role at the centre of the Canadian economy and its employment opportunities through its commercial and industrial expansion.

Indeed, there are some among us who are disturbed or even angered by the success of this metropolitan region of Toronto as we witness our children leaving smaller cities and towns of Ontario in search of jobs that cannot be found at home, in slower-growth areas of northern, eastern and western Ontario, areas which have not experienced the kind of economic expansion, even during the boom times of the last seven years.

We are distressed as we witness the relocation of our own factories and offices to the greater Toronto area, or as we hear and share the complaints from western Canada that growth in this greater Toronto area has been so phenomenal it has distorted even the whole of the Canadian economy and has caused higher interest rates in markets which do not require them, higher interest rates which make it impossible for our children to afford the purchase of their own homes.

We are disturbed as we witness boarded-up schools and even homes and underutilized municipal infrastructures. We are also disturbed as we hear Torontonians themselves complain about real estate values inflated by demand and speculative profits; about a housing crisis which renders it impossible for even the middle-class working people to afford their own homes—indeed, about the lack of available housing and the lack of affordable rents; about transportation gridlock as Metro slowly grinds itself to a stop; about a school system which cannot build schools fast enough, notwithstanding a \$1-billion school construction program of this government; about a health care system which cannot keep pace with the demand for hospital services.

We ask ourselves, as Metro residents must ask, does it make sense to be closing down schools in other areas of Ontario while installing portable classrooms in Toronto?

Does it make sense to be leaving industrial park land vacant and dormant in many areas of eastern, western and northern Ontario while grossly inflated prices on a comparative basis are paid for scarce land in Mississauga, North York and Markham? Does it make sense to be depopulating beautiful cities and towns across this province where the quality of life is high but the jobs are few?

And we ask, why is this concentration of commercial, industrial expansion occurring in only a few cities, simultaneous with the abandonment of nongrowth areas? How inter-related are



these trends? More important, can anything be done about them?

Are we to leave our economic and social development to market forces? Have we not already conceded victory to market forces? Have urban renewal projects not won the day? And do we not see the overconcentration of population where development has overburdened municipal and provincial infrastructure?

Does this gridlock and stressed society not depend on the urbanization of adjoining rural areas for its expansion? Do we really want to see the same intrusion into our farm lands? Were not zoning bylaws and official plans introduced to control and manage change to counter market forces?

In Ontario, was not the design for development program introduced in 1966 intended to provide long-range planning for all regions of Ontario? How did some Ontario communities go astray? What long-range planning has been done in this province since the design for development program and the introduction of regional government in the 1970s?

Can we find reassurance from this present government? Project X, the leaked government document which the government denies is policy and is entitled *Reforming Our Land Use and Development System*, is a great deal more than a process document, a plan to streamline the land use approvals process.

Indeed, when one views the magnitude of development in the south-central Ontario area, one would hardly suspect there was difficulty in obtaining land use approvals. Nevertheless, Project X speaks of paralysis in decision-making, regulatory gridlock, as it seeks to minimize provincial intervention in local planning decisions and it warns, and I quote, "A strong government commitment will be required to demonstrate the benefits of reform to those concerned about weakening of the province's environmental or planning standards."

Project X is a dangerous document, particularly in its implications for that part of Ontario outside the greater Toronto area. It seeks to promote increased economic and population expansion of this greater Toronto area, which is already overburdened. Furthermore, it indicates implementing reform with little public consultation.

I ask, can periodic ministerial declarations of provincial interest or periodic issuance of ministerial policy statements substitute for comprehensive, long-range planning or are they ad hoc, piecemeal, reactive initiatives?

Look to recent history. Is not the announcement, two weeks ago, of a provincial freeze on development of the eastern portion of the Toronto waterfront a demonstration of the urgent need for the restoration of comprehensive planning? Is not the delegation of provincial review of the western portion of the Toronto waterfront to the federal royal commissioner, David Crombie, a demonstration of ad hoc, reactive dike-plugging which proves the need for comprehensive urban-regional land use planning?

Are the recent creations of the interprovincial railway task force and the Treasury office for the greater Toronto area comprehensive long-range planning or piecemeal reactions to crisis situations?

### 1110

I believe the Ontario Legislature has a role to play in the re-establishment of long-term planning of the growth of this province and I believe the establishment of a select committee on urban growth will assist in this process. I believe legislators should examine urban growth patterns, how urban planning has been done in the past, the applicability of the principles we have developed, how other political jurisdictions and cities have planned, what international planning experts have to say. What about our own experts and ordinary people and what they have to say about the factors causing or influencing urban growth or nongrowth, about the consequences and implications of urban growth and nongrowth—the transportation implications, the recreational open-space requirements and, of course, the impacts upon the environment?

We need to know the options available to us, and I believe a select committee on urban growth could undertake a nonpartisan study in which all parties can participate, to hear the concerns of experts and ordinary people, to provide a forum for public input, to assist the government in formulating urban development policy, infrastructure planning and program design and delivery. I am hopeful that the need for a select committee on urban growth is apparent to all members and that they will support this resolution.

**The Acting Speaker (Mr Cureatz):** I would like to thank the honourable member for Windsor-Walkerville and remind him that he has time for the conclusion of his remarks.

**Mr Breaugh:** I am pleased to support the resolution this morning.

I think it is a matter that is of growing concern to a number of people in municipal government and others who have begun to realize that the

many attempts in Ontario to plan the growth of the province have not been successful.

There are those in this chamber who, like me, have been participants over the years in talking about a Toronto-centred region, in talking about regional government, in talking about a Toronto area transit operating authority, in seeing some of the framework that is necessary being established, some of it being developed. But I think even the most biased person would have to say that our attempt to plan successfully the development of Ontario has been an abominable failure. It has not succeeded in directing growth where we, the people of Ontario, get the most benefit from it. It has done nothing, for example, in addressing the very real problems of northern Ontario. It has done nothing in addressing the very real problems of eastern Ontario nor of southwestern Ontario. So the bulk of this province has emerged willy-nilly almost.

There are some inherent problems in the process that I would like to discuss a little bit this morning, and I would be anxious in fact that a select committee of the Legislature do what has not been done around here for some time.

When I was first a member here, the order of the day, quite frankly, was to strike a select committee on a matter that was of concern to the province, to give that committee some latitude, some strength to see other jurisdictions, to stay in operation for some considerable period of time and to report regularly to the Legislature. It is a process which I know to many people seems strange, and members were criticized because they did go to other jurisdictions.

I want to take one example of a select committee that I think has had an impact on Ontario, and it is still happening. When I was first a member, many of us served on a select committee on highway safety. We had an opportunity to see how other nations, other provinces and other states did things, to see how they attacked a very real problem of safety on the highway, to see the kind of sophisticated techniques that were unknown in Ontario at the time, to make suggestions and recommendations to the assembly of Ontario on some very practical things that could be done; and we did those. To this day, you will still see pieces of legislation being brought forward by this government, more than a decade after the committee made its final recommendations, that had their beginning back in that select committee.

I believe the select committee process, if it is given a little scope and a little bit of imagination, can serve this House well. I think the method the

member has suggested is an extremely useful tool, but you have to recognize that a select committee does not work well if you say, "We want you to think about urban growth and report back here in three weeks." That is silliness. It does not work well if you say: "We want you to think about how the world has attempted to grow and develop its urban centres, but we do not want you to go see any of those places. We do not want you to talk to those people. We want you to go sit in a room here and argue about it for four or five weeks and then report."

If there is a commitment on the part of the government of Ontario to take the select committee process and let it work, let it do its job and recognize the scope of it, then we have a hope here that this concept in the resolution before us this morning would serve us well.

Now let me try to make my version of the argument as to why it is necessary. In and around Toronto, the place where most of us are perhaps more familiar with urban growth problems than anywhere else, you see growth in an urban sense strangling the population as a whole. Those are kind of harsh words, but I believe them to be true. If there is not a solution found for something as basic as garbage disposal in this community in the next couple of years, you are going to have to pile it on your front lawns, folks, because there is no place else for it to go.

If there is no solution for the transportation problems that have emerged in and around the Toronto region in the last decade, people might just as well take their brand-new Chevrolet and park it on the road because it is not going to go anywhere. As I came in this morning, that is what we did. Once again, as we do every day, we put our vehicles on a transportation system that is overloaded from day one, operating at well over 100 per cent of its estimated capacity so it has no chance to survive. One could argue that there is the framework of an intercity rail system, but as quickly as we see GO Transit developing into something that might actually function, we see another level of government tearing apart the same thing and then both of them arguing as to who ought to operate the rail system. The end result is nobody will. So somebody has to kind of understand that problem.

As you move around Ontario, one of the things that is unfortunate, and that I hope a select committee would address, is that though some members may not be aware of it, Ontario does not consist entirely of Metropolitan Toronto. There are other places here. There are other places in the province of Ontario where growth



and development could be handled in a more sane and rational manner, but it is tough.

You cannot get to Peterborough until you have a transportation network that gets you there smoothly and efficiently. If you have gone up Highways 35 and 115 on a holiday weekend in the summer, you know that it looks very much like the Don Valley Parkway every morning. If there is an accident on a two-lane highway, it stops. When you go across northern Ontario and you see that phenomenon called the Trans-Canada Highway—there are two-lane blacktops in Alabama that are better built than the Trans-Canada Highway. That surely is a disgrace.

You go through all of southwestern Ontario and you see the great potential that is there for growth and development and you see that it is struggling to kind of get a foothold. The municipalities are trying their best with the resources that they have to attract new industry, to rationally develop growth, to provide affordable housing, but it is a tough task for them and I would say an impossible task for the municipalities to do on their own.

You can come into my part of the country, eastern Ontario, and you can see some communities that have grown sanely, rationally, providing good housing, and that have a bit of a commercial and industrial base to their community, but it is not easy. A lot of what we are seeing is in one sense good and in one sense bad.

Let me give an example of the Goodyear move into my home town, Napanee. I can see a lot of good reasons why a corporation that owns a plot of land in the hottest real estate market in the world would like to sell the land—and that is what it did—and would like to move to a place where the federal, provincial and municipal governments will fall all over themselves to give it grants and exemptions and build roads and do all kinds of things. The end result is that the company comes up with world-class technology in a brand-new plant in a labour market that is pretty stable.

So they have the best of all worlds, but did we plan that? “Kind of, sort of” is about the best you could do for that. Maybe. Maybe some of the growth you see in places like Belleville and Trenton is planned, thoughtful growth; but if it is successful, it is more likely to be in spite of the federal government and the provincial government rather than with their co-operation.

**1120**

If you ask people, “Is there a plan for Ontario?” the province, for example, says to

each of its municipalities, “We want to see your official plan. We want to see your growth estimates for the next five years. We want to see your financial forecast for the next five years. We want to know all of these things about you.”

Would it not be nifty if each of our municipalities could come to Queen’s Park and say: “Fine. Here’s our official plan. Where’s yours? Where is the official plan for the province? Where is your forecast for the next five years in economic development? Where is your plan to solve the great crises of the day?”

This government would probably stand up in the House and say, “We have this thing called the greater Toronto area.” Where did this come from? From a private meeting in the Premier’s office. Is there a legislative framework for the greater Toronto area? No. Is there an agenda to resolve the garbage crisis? It depends on whom you talk to. What is that resolution? No one knows. People are going back to the regional councils around Metro with ideas now, but they are ideas on a take-it-or-leave-it basis. What are the councils saying? “Leave it. If we’re not part of the decision-making process, don’t come to us with some solution and jam it down our throats.” That is going to be the problem.

If you believe in planning, as I do, if you believe in some rational way to grow and develop as an urban entity, you have to admit that you cannot do that in private. You cannot do it in private meetings with developers. You cannot do it in private meetings among the politicians. You have to acknowledge that. If we wanted to split off a parcel of land that we own for our son or our daughter to have a house, or if we wanted to rezone a little piece of property to put up a grocery store, we would go to our municipality and find out there is a need to have public notice and public hearings and public staff reports and public debate on whether that is a good idea or a bad idea. The same rules that apply to every farmer, every small business person and everybody who wants to build a tool shack on a conservation area piece of property ought to apply to the growth and development of the urban centres of Ontario as a whole.

In all of what I have tried to do in political life, there is a common theme, and that theme is expressed in this resolution. If we want a better society, if we ever hope to have a Lake Ontario that is not polluted with toxic chemicals, if we ever hope to have a sensible solution to a crisis in something like garbage, we have to stop and think our way through and plan the process and identify the factors that cause these problems.

After we have thought our way through that, then we have to express that in something like an official plan. Once we have gone through that thinking, caring, thoughtful analysis of what our problems are and what our solutions might be, we do not have to adhere to them in a fanatical way but use that as the direction post. That is the way we are going. That is how we are going to resolve that.

If you drive anywhere around any of our urban centres in Ontario, you can take some consolation in this. Compared to other jurisdictions, we are not awful—particularly some that I have seen in the United States, for example, where planning is nonexistent. Most of our municipalities at least do not dump raw effluent into a local stream or river of their own volition, but it does happen here and we do have problems.

At the heart of all these problems is probably what is contained in this resolution. We need to stop and think about what causes growth, what growth means for our province—not just for Toronto but for everybody else in Ontario—and what are our priorities. I hope that is what this resolution will make us do. I think the format that is suggested in the resolution is a reasonable, proven technique that this House has used many times on many different matters. I support the member for bringing forward the resolution this morning, and I noted that in his remarks he was not falling all over the government.

I want to conclude with this brief thought: For each of us in here, if we did what the member for Windsor-Walkerville has done this morning, this would be a better place. If we set aside our partisan colours from time to time and said, "Here is an idea that my government, the government I belong to, hasn't really addressed and it ought to," members would be surprised at the amount of support that would come from all over this chamber for a good idea that will stand on its own no matter what party or what member might present it.

**Mr J. M. Johnson:** I will start by saying that I intend to support the resolution presented by the member for Windsor-Walkerville, and I will even go a step further and state that at the present time I am offering to serve on the select committee on urban growth. I can be the first candidate.

It is very appropriate that this resolution should be debated the same day as the member's resolution from the member for Stormont, Dundas and Glengarry expressing his concern about farm land agriculture uses in this province. The two are interchangeable, and the growth of

urban municipalities impacts dramatically on farm land, so we have to equate the two together. Any study in urban growth must take into account that impact.

Paragraph 3 of the resolution states that we should study the economic, financial, social and environmental consequences of such patterns. That is one area that should be studied in relation to the impact on agricultural land.

Four years ago, on Thursday 28 November 1985, I introduced a private members' resolution, and I would like to read that into the record now:

"That in the opinion of this House, recognizing the very serious limitations placed on our smaller rural municipalities in their ability to attract industrial growth, the government of Ontario should develop and implement an industrial strategy that would provide these municipalities with the much-needed expertise and financial resources necessary to enhance their position in this competitive field."

I went on to say:

"For Ontario's economy to strengthen and for a better distribution of the newly created wealth throughout the province, it only makes sense that development be encouraged in the smaller rural communities in this province."

I submit that this resolution is very similar in nature and content to the resolution presented by the member for Windsor-Walkerville. It is four years since my resolution was passed, and there has been some movement in direction by this government. I would like to highlight just one example. That is a decision by the Ministry of Agriculture and Food to transfer its office to the city of Guelph. It will mean a transfer of approximately 1,000 jobs to Guelph, which is in Wellington county and basically in the heartland of rural Ontario. It is only reasonable and sensible that the Ministry of Agriculture and Food should be located in such an area, and I commend the government for that initiative and hope it will continue in that thrust.

I would like to bring to the attention of this House an article that appeared in the Guelph Daily Mercury just a few days ago. It is overall rural population. I will quote this.

"Canada's farm population continues to fall, but there has not been a similar exodus from rural communities, says an agriculture department spokesman.

"The population of small towns has remained stable—about one quarter of the Canadian population...."



"Towns and villages also owe their strength to Canadians' willingness to commute long distances to work and the success of larger farms. And many farm people move into a nearby town for their retirement...."

"Statistics Canada figures show the farm population has declined about three per cent a year throughout the past two decades. That means the farm population has gone from about 1.9 million in the late 1960s to less than half that 20 years later."

These communities have not declined in population, but they have received growth from retiring people and people who contributed to the residential sector of the communities, but there is not enough commercial and industrial assessment to maintain the financial viability of these municipalities. They do need added growth; they need growth in the industrial and commercial sectors and, hopefully, that is what the resolution presented by the member for Windsor-Walkerville would take into consideration.

**1130**

In his comments, he mentioned his concern for those growth patterns and I fully support that proposal. I think it would make a lot of eminently good common sense if the government were to establish such a select committee, an all-party committee composed of members who have interest in both rural and urban municipalities so they can give consideration to both aspects of the problem. We should always take into account the need to preserve our farm land and, as the member for Stormont, Dundas and Glengarry (Mr Villeneuve) mentioned this morning, if we preserve our farmers we will not have too much problem preserving our farm land, but the two are intertwined.

Since our party is allowed only 15 minutes in this debate and there are two other members of my party who wish to speak, the member for Durham East (Mr Cureatz) and the member for Simcoe East (Mr McLean), I will accede to them at this time, with the hope that the member for Windsor-Walkerville, when he is commissioned by the Premier (Mr Peterson) to set up this committee, will give very serious consideration to appointing me to that committee.

**Mr Tatham:** I support the private member's resolution from the member for Windsor-Walkerville. Josh Billings said it: "It is better to know nothing than to know what ain't so." We can cast our minds back to the 19th century and recall comments made by that brilliant parliamentarian John Bright, who spoke in Birmingham on 22 January 1876 about the land question.

He said that five million acres of land in Scotland, over one fourth of the whole of Scotland, were in the possession of 21 persons. After further calculation, he said that in point of fact, one proprietor in Scotland held nearly as much land as three million of its population.

What are the facts in Ontario today? Let's look ahead to 1992 and SuperEurope. Andrew Clark says the amazing changes east and west could lead to a linking of two dozen European nations with half a billion people, enormous assets—and liabilities. The prospect goes far beyond the 12-nation economic union of 1992. It offers the rest of the world vast new challenges and opportunities.

Clark backs up his suggestion by describing the visit of Secretary Mikhail Gorbachev to the steelworkers in Dortmund, West Germany. Gorbachev ascended the dais, hands clenched overhead, to be met with a deafening roar of welcome from workers chanting, "Gorby, Gorby." Let us recall that during what the Soviet historians term the great patriotic war, 20 million of their countrymen perished at the hands of Hitler's armies.

Are we getting ready for 1992 and beyond?

Let's go back to Smith's Canadian Gazetteer, 1846: Markham, a township in the Home District, had 11 grist mills and 24 sawmills; its population in 1842 was 5,698; ratable property in the township was valued at 286,577 pounds.

The Statute Labour Act, RSO 1927, chapter 239, states that "councils of cities, towns, villages and townships may pass bylaws for levying and collecting an annual tax to be known as a poll tax of not less than \$1 and not more than \$5 from every male inhabitant." Then it lists the qualifications.

Early this spring I parked in a no-parking zone in front of my apartment. The parking lot was under repair. Fifteen minutes later, my worldly goods were reduced by \$40. Times change.

Almost 20 years ago, Barry Commoner wrote that the increase in per capita travel was at least in part related to the increased work-residence travel. At that time, Commoner said, "About 90 per cent of all automobile trips are 10 miles or less in length. This class of trip represents about 30 per cent of total automobile travellers."

That brings me to our county government in Ontario review. We found that many people living in the rural areas now often travel to the urban areas for employment and recreation. For example, according to the 1981 census information, in Elgin county almost 60 per cent of the labour force actually worked in one municipality

and lived in another. In Peterborough county, 75 per cent of the labour force crossed municipal boundaries to work.

My next-door neighbour in Woodstock leaves at 5:45 am every working day to drive to work at the Toronto-Lester B. Pearson International Airport. People move from Toronto to Kitchener, still working in Toronto. Kitchener workers are finding housing in Plattsville in the riding of Oxford.

This is the way things are happening at the present time. So are we asking the right questions? As Dr Samuel Johnson said, "It focuses a man's mind marvellously when he is to be hanged in the morning." Those who face a direct threat today are most willing to change in order to survive tomorrow. Do we not have to question the impact of 1992? Do we not have to question the gridlock at rush-hour in our Metro areas?

Sony chairman Akio Morita, who wrote in the *New York Times*, said American companies should shift their time horizons. The short-term orientation of corporate management in the United States encourages neglect of long-term investment vital to industry. The financial community in the United States seem to concentrate on 10-minute time frames.

The state of Illinois developed a document called *Illinois: The Future-1980*. There it is there. If you are a storekeeper, say, a hardware man, usually once a year you take inventory. How many bolts, drills, taps, dies, files, cap screws, nails, gloves? It is vital to your survival in business to know what stock you have. The late Lyndon Baines Johnson said the best manure a farmer could have on his property is his own footsteps, to be able to see, to be able to recognize what he has.

We keep talking about a global economy and it is happening. To appreciate the difference between the old international approach and the new global approach, look at the way firms such as Ford Motor Co, IBM, Matsushita Electric Industrial Co and the Procter and Gamble Co now operate. These companies design and develop their products wherever the required skills are most plentiful. They buy raw materials and component wherever they are the cheapest. They assemble finished products wherever they can achieve maximum economies and scale. And they sell everywhere.

If we are going to compete in the global marketplace, we have to outproduce our competition on cost, project a quality image and deliver a quality product. We have to build quality

communities and I believe supporting this resolution will help show the way.

**Mr Wildman:** I have very little time. I just want to sincerely congratulate the member for Windsor-Walkerville for introducing this resolution for discussion this morning.

I wish there were some member of the Liberal government present—there are none—to hear the debate, because I think it is important for us to really question whether this government is challenging market forces or is prepared to deal with the question of urbanization and urban concentration, what I consider to be the Manhattanization of Toronto, the question of the need to provide affordable housing, transportation, dealing with waste, drugs and prostitution, homelessness, all of these problems that go with tremendous urban growth, uncontrolled growth, dependent on market forces.

As the member said, we continue to have a piecemeal, reactive approach. We even have discussion of deregulation and Project X at time when we should be moving in the other direction. We need planning. We need to have a concentrated effort to decentralize and to have development in places like northern Ontario. We cannot leave it to market forces. We need the government to become directly involved in planning and direct investment. I congratulate the member for bringing this matter before the House.

**1140**

**Mr Cureatz:** It gives me a great deal of pleasure to have the opportunity of standing this morning, albeit for only a few moments, to speak to the member's resolution.

I might add that in my dual role now, both serving as the Chair and as a private member, I have, as I indicated, toned down my enthusiasm on various aspects, because if one takes the Chair's job seriously, I feel it is difficult to try to get the respect of all honourable members one hour and the next hour stand in one's place and berate the government for all the things that are going wrong. That is not to say I will not do it from time to time; I will just be a little more cautious and judicious.

I said to myself when I saw this resolution, "Self, how can I go wrong with this one?" because I am sure everyone is going to be supporting it and I want to make sure I have the opportunity of doing the same for my colleague the member for Windsor-Walkerville, who, I might add, did, as we all know, an admirable job when he served as Deputy Speaker in the chair. Of course, it was of no particular circumstance that, suddenly, he was removed from that



position; it was only because of the rule changes that were implemented over the session. So I wanted, on behalf of myself and my caucus, to thank him personally for his participation, serving as a member of administering procedures of the House.

Turning to the resolution for a few moments. Interestingly enough, this goes to the heart and core of the matter. I really appreciated the comments of the member for Oshawa (Mr Breaugh), who gave, I think we all agree, a beautiful overview of the overall problem in terms of what is happening in Ontario and his supportive actions in terms of striking such a committee, of which I might add I am fully supportive.

I think this would be a great opportunity for us not to get particularly partisan in terms of what this kind of committee can do when, first, doing the kinds of investigations right here at Queen's Park, secondly, travelling in Ontario, and yes, thirdly—why not?—travelling around the world in terms of what is happening in other jurisdictions.

Unlike the member for Oshawa, I want to get a little more particular and talk about the greater Toronto area. Right this very morning there is a meeting taking place at the Thunderbird golf course, which I think is just outside of my riding. I was invited to participate, to listen to some of the ideas that will be taking place about how this GTA is going to be implemented. Due to my new position and my participation in the debate this morning, I very regrettably had to indicate that I would not be in attendance, but at least it was the first sign of someone trying to get something together so we can talk about what is taking place around this Golden Horseshoe area.

We in opposition and, I suspect, many members in the back benches who represent a good part of that community—even the member for Peterborough (Mr Adams)—remain relatively in the dark about what the overall strategy is in terms of garbage disposal, in terms of transportation, both rail and vehicle, and in terms of generation of power.

I have in my riding the Darlington nuclear generating station. I have just had the opportunity of speaking with the new chairman of the select committee on energy. We suspect the energy committee will be sitting in the winter to take a look at what Ontario Hydro will be proposing for the production of new electricity and where it is going to be putting a plant, if that is part of the proposal. Some have been talking about Darlington B. Maybe that is not the place

for it after all in terms of what we are discussing here in this resolution.

What about Wesleyville, which is just down the road from me, in the riding of the member for Northumberland (Mrs Fawcett), who is here this morning? I am very disappointed that since Wesleyville was closed down, which I think was about 1978, I do not think a thing has been done with that property. We have hundreds of acres held by Ontario Hydro and what are they going to be doing with it? These are the kinds of things this committee could examine.

Right this moment in my own riding, St Marys Cement Corp is investigating the possibility of expansion in a larger harbour so that it could facilitate the various ships that are coming in for the carriage of limestone. There, of course, are protest groups and I have been hearing from both sides on the matter. This is the kind of thing that could help resolve those kinds of controversies.

I was very surprised and pleased, actually, to hear the Premier indicate the freeze of the waterfront from Bowmanville, which is in my riding, I think all the way around to Burlington. How does that affect Ontario Hydro and the possibility of construction of Darlington B? How does that affect what St Marys Cement is proposing? These are the kinds of hard-core issues that I think cross political boundaries. We have got to get to what we are concerned about, and it is becoming evident every day as we all drive up and down Highway 401—you have to drive somewhere on it to get here to Queen's Park; or even by train—that we are getting quagmired in a situation that has to be resolved in a nonpartisan way. I could continue on at great length. I want to leave a bit of time to my colleagues.

That is not to say that we do not have those problems indicated by the member for Oshawa, agreed with by the member for Windsor-Walkerville, and existing in other parts of Ontario. The committee would also be able to investigate those kinds of situations.

I once again applaud the member for Windsor-Walkerville. I only suggest to all of the members—as cynical as I am from time to time, I will just show a little bit of my colours from the old days—that maybe this is just a trial balloon by the government and our honourable member is in cahoots with one of the ministers or the Office of the Premier, saying: "Let's try this. If it works, then we are going to go for it."

Even if it is a trial balloon, it is a great idea and we should be doing it.

**Mr Adams:** I too, like the previous speakers, would like to thank the member for Windsor-Walkerville for bringing this important matter to the attention of the House. He clearly brings to it his experience as an alderman in the city of Windsor and also his experience as a member of the committee on county government reform which addressed aspects of this problem.

I am interested in the topic, in part because it relates very closely to my own resolution of 19 January of this year. It seems to me that, arguably, urban development is the most important development problem facing our society today. In both the developed world and the Third World, increasingly people live in cities. In fact, it is not untrue to say that virtually all of us are urban people. We breathe urban air, most of us, whether we like it or not, and we drink urban water. Many people think, by the way, that it is better than rural water. We rarely walk, but we use various urban transportation systems. We all live in cities.

In ancient times, people thought of themselves as living in city-states. In fact, they actually did. They lived in cities which usually had quite small hinterlands which served the city and the city served the hinterland. Occasionally, like the great city of Rome, that small city had a huge hinterland which in fact was a great empire. We do not think of ourselves as living in city-states today, but in actual fact in many ways, much like the ancient Romans and Greeks, we do.

If you think of the great cities of New York, Boston and Washington and their hinterlands, both their immediate hinterlands and the entire continent, or if you think of the city of Tokyo today, they are city-states. Here today in the Legislature we are in Metropolitan Toronto; in many ways it is a city-state.

This particular city-state has a commuting hinterland which is the greater Toronto area plus some and then plus some. Also, it has a much larger hinterland than that, which is southern Ontario, the rest of Ontario, the Great Lakes basin, North America, however far one cares to go. So in many ways we are living in a city-state and we are talking about urban development. As we all live here, we are not, generally speaking—at least not on this side of the House—stupid people; we choose to live in urban areas.

We choose to live in urban areas because of the benefits there. We choose to live in urban areas because there are fulfilling and well-paid jobs in those areas. There are great educational opportunities in those areas. There are great recreational opportunities in urban areas. In fact, there is a

tremendous quality of life in urban areas, and that is why 80 per cent or more of the population of Canada chooses to live in urban areas.

## 1150

Cities, at their best, are highly efficient, pleasant, exciting places to live in. We owe a great deal to our cities in terms of the standard of living that we have. But, like weeds, cities tend to grow and grow and grow and spread and spread and spread. The population of the greater Toronto area is growing by 100,000 people a year. That is almost two cities of Peterborough a year. Some people say that housing construction is moving more quickly than the traffic. With this increasing size, and in particular with rapidly increasing size, come the problems that have been described by some of the previous speakers.

Travel problems, problems of overcrowding, problems of affordable housing, pollution problems, social stress and so on all combine to make these urban areas less efficient, less pleasant, less healthy places to live. The advantages of the cities, from the point of view of their own citizens, begin to disappear when cities grow too large or too quickly. This is what is being discussed by the member for Windsor-Walkerville.

I would like to point out that these things do not happen in isolation. The growth of Metropolitan Toronto is not simply something that affects the people of Metro. The growth of Metro has enormous impacts on the surrounding region, defined however one likes to define it. It has enormous impacts on the entire province. This growth impacts on our environment. Land is swallowed up which could be better used as farm land; the use of farm land becomes distorted because of speculation; environmentally important areas like wetlands and woodlands are jeopardized by the influence of city growth.

I would argue that problems which the member for Windsor-Walkerville described as problems of urban development bring together all the important problems of development in our society under one heading and that is why this resolution is so important. The growth of Metro affects our use of forests in northern Ontario. It stimulates activity in remote mines. It makes huge demands on resources we could use elsewhere. It affects other cities, other towns, other villages in the province. It affects the rural areas of the province. So it is not simply a matter for Metro. Urban growth is not simply a matter for urban people; it is a matter for the entire province.



I do believe that we as a province must have strategies for urban growth. Without them, we cannot control our future and help determine the type of Ontario we would like to leave for our children. I commend the member for Windsor-Walkerville for bringing this important matter to our attention.

**Mr McLean:** I want to speak briefly with regard to the resolution from the member for Windsor-Walkerville. With regard to the long-range provincial policy on urban growth or to have a select committee, I must indicate that it would be appropriate to have a short-range urban growth study also.

I see the Premier has appointed the area chairmen around Metro to look into the aspects of garbage disposal. I wonder if they are going to look into other aspects of the urban highways around Metro. There are many things within this resolution that the member for Windsor-Walkerville has indicated should be looked at.

However—and I agree with the resolution that they should be looked at—but the problem I see is that they are not being looked at soon enough. When we look at a long-range policy of urban growth—and this morning we discussed the resolution from the member for Stormont, Dundas and Glengarry with regards to agriculture—these two resolutions fit very well together when we are looking at the whole aspects of urban growth into rural areas. When we are looking at roads for the future, garbage problems, plus the environmental problems that we have in this province, I think those should be short-term ideas that the government should be taking a very strong initiative on.

When we look at rural Ontario and how the expansion has taken place in most of the communities across this province with regard to growth, then our environmental aspect of that growth is going to be the most important with regard to the Ministry of the Environment. Funding capital projects, funding sewers, funding water, that area is one of the most important and it is one they should be looking at in a short-term view, not a long-term policy.

I commend the member for Windsor-Walkerville for bringing this resolution forward. I will be supporting it and I would hope that the government would see fit to bring in a short-term policy for many of our environmental and urban areas' aspects.

**Mr Kozyra:** In the brief time available to me, I would like to also support the member for Windsor-Walkerville in his call for a select committee on urban growth, and focus on

northern Ontario. Recent population projections have indicated growth in Ontario for the next 20 years of roughly 30 to 40 per cent. Only one region in the province, northern Ontario, would suffer a decline. That is of great concern to us.

Specifically, what we call outmigration in the north points to an even more serious problem than just a decline or stagnation in growth. That is the fact that the ratio of those leaving is 10 to one in the age group of 16 to 25. This creates a serious disproportion in what is happening to the age situation. The consequences are obvious. I recently attended a Red Cross seminar on this and, in terms of volunteer workers, it is predicted that northern communities will suffer tremendously as the aged increase and that base underneath them, the younger people, will not be there to serve in a volunteer capacity.

What are the implications on the political side? These are the very serious ones. At the present time, Metropolitan Toronto has about 40 members to five for the entire north, which occupies 90 per cent of the area. If this growth continues, the one-to-eight ratio now—one northerner to eight members in the rest of the province—will decrease to one to 13; a 50 per cent decrease in political influence.

**The Speaker:** The member for Windsor-Walkerville may wish to use up the final two minutes.

**Mr M. C. Ray:** I appreciate the comments of members of all parties in support of this resolution. I would like to acknowledge the participation of the research staff of the legislative library who have provided the two-page outline of possible specific issues that a committee on urban growth could examine.

I do hope that something can come of this resolution because I believe this government needs to be shaken in a couple of directions. This document which I have great fear of, Project X, needs some outside examination. I do not like some of what I see there and I do not think most members would if they read the document completely. I also think there is a role for this Legislature and its committee structure in long-range planning for this province.

I think a select committee on urban growth would have only beneficial effects and help to restore the role of this Legislature and draw us a bit away from Premier's councils and outside administrative initiatives to determine long-range policy in this province. We, as legislators, have a function here and we can contribute to that process as well, calling outside experts into the Legislature here to state their views and have

their views studied. I think there is at this time and place a need for that in Ontario and I would appreciate if all would support this resolution, even after it is passed.

#### URBAN GROWTH

**The Speaker:** Mr M. C. Ray has moved resolution 27.

Motion agreed to.

**1205**

#### ASSISTANCE TO FARMERS

The House divided on Mr Villeneuve's resolution, which was negatived on the following vote:

##### Ayes

Allen, Breagh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Cureatz, Eves,

Grier, Johnson, J. M., Laughren, Marland, Martel, McLean, Philip, E., Pollock, Pouliot, Villeneuve, Wildman.

##### Nays

Adams, Ballinger, Callahan, Cleary, Cooke, D. R., Cordiano, Curling, Eakins, Faubert, Fawcett, Ferraro, Fulton, Henderson, Hošek, Keyes, Kozyra, LeBourdais, Lipsett, Mahoney, Mancini, McGuigan, Miclash, Miller, Nicholas, Nixon, J. B., O'Neill, Y., Oddie Munro, Owen, Pelissero, Polsinelli, Poole, Ray, M. C., Reycraft, Roberts, Smith, E. J., Sola, Sullivan, Tatham, Velshi.

Ayes 20; nays 39.

The House recessed at 1210.



## AFTERNOON SITTING

The House resumed at 1330.

## MEMBERS' STATEMENTS

## AGRICULTURAL LAND

**Mr Villeneuve:** This statement is addressed to Ontario's Minister of Agriculture and Food (Mr Ramsay). Ontario's farmers are greatly concerned about the disappearance of prime agricultural farm land. Experts now believe there is an impending crisis here in Ontario.

There are a number of important facts we must remember when discussing this very important issue. It takes one acre of land to feed one person in Ontario for one year. There is currently just enough prime agricultural land in the province to feed our population of nine million. If production is shifted to lower-quality land in the northern parts of the province, the input costs would be twice as much as the production costs in the more central parts of Ontario. Between 1976 and 1981, approximately 50 per cent of land converted to urban use was prime agricultural land, and I emphasize "prime."

The agricultural industry in Ontario contributes \$5.6 billion to the economy and 26 per cent of the value of agricultural receipts of the economy of the entire country. We already import \$3.6 billion worth of food for our citizens. We have had to draft Foodland Ontario preservation policy statements for almost four years now. The last Minister of Agriculture and Food said he would not bring it forward until the Farm Practices Protection Act was passed. The act is now in place. I am calling on the new Minister of Agriculture and Food to live up to his commitments and to preserve our prime farm land.

## TERRY FOX RUNS

**Mr Adams:** I participated in two Terry Fox runs again this year in Havelock and Peterborough. It hardly seems nine years since I, like many others in the Peterborough area, had the privilege of meeting with and talking to Terry Fox. When I asked him why he was running through southern Ontario instead of taking the direct route from the Atlantic to the Pacific, he said quite openly that his primary purpose was to raise money for cancer research, not to break some sort of a cross-country record. Terry would be delighted to see the thriving plants which have grown from the seeds he planted.

In the tiny village of Havelock, one of many which Terry visited on his run, one young man who has participated in Terry Fox runs since he was a boy, raised over \$4,000 this year on his own. He and others like him in our region took great pleasure again this fall in raising money for a good cause by running, jogging or walking for cancer research.

What a healthful way to raise money. What a pleasant way to make a public commitment to a cause. Every Canadian should try to visit the Terry Fox memorial on the Trans-Canada Highway near Thunder Bay. They should stand at that spot and say, "If Terry could run here from the east coast with one artificial leg and enjoy it as he did, I can participate in next year's Terry Fox runs." Cancer is being beaten.

GOVERNMENT SERVICE IN  
NORTHERN ONTARIO

**Mr Hampton:** Yesterday the Minister for Northern Development (Mr Fontaine) announced another program of the government which he said would forward and assist business in northern Ontario. In my reply to his statement, I indicated that so far, so good.

I want to point out to the government, though, some of the obstacles which business people in northern Ontario have to face because of this government. This example I have today is particularly instructive. If you are a credit union, a bank or any other financial institution, or just a business or an ordinary consumer, and you want to purchase goods from someone else, it is always wise to call the Ministry of Consumer and Commercial Relations and do a Personal Property Security Act search. It is always a wise thing to do.

But if you live in northern Ontario and you call the Ministry of Consumer and Commercial Relations, you may not be answered. You may face a line busy for most of the day or, when you get through, you may be put on hold for 40 minutes. I want to ask the government, in the kindest way I can, how can business in northern Ontario be forwarded, how can it progress, when such a basic act as this, such a basic, daily undertaking, cannot be completed because of government delay?

## LOTTERY PROFITS

**Mr McLean:** My statement is directed to the Minister of Tourism and Recreation (Mr Black).

He is no doubt aware that the standing committee on general government met for about three weeks here at Queen's Park and in Ottawa, to consider Bill 119, An Act to amend the Ontario Lottery Corporation Act.

Numerous individuals and groups, like the Association of Municipalities of Ontario and the Rural Ontario Municipal Association, voiced their opposition to this legislation that will see lottery funds diverted to the consolidated revenue fund. They stressed that a healthy lifestyle helps to reduce sickness and disease, and that reduces the strain on Ontario's health care system.

I think that the minister will agree that physical fitness is the cornerstone of a healthy lifestyle and that the promotion of a healthy lifestyle should be an important element in his ministry's strategy to reduce the incidence of preventable disease and illness among the people of Ontario.

When the minister and his colleagues were first elected to govern, there were promises of no walls and no barriers, but I think we can all see that plenty of walls and barriers have been erected by his government. We saw it happen with Bill 113, An Act to amend the Retail Business Holidays Act, and it appears to have happened again with Bill 119.

In both cases there was little, if any, public support for the legislation, in both cases there were no amendments, and in the case of Bill 119, he failed in his responsibilities as minister in that he did not appear before the government committee to speak out against this legislation that will divert lottery funds from recreational purposes. The minister has not been supporting his own recreational groups.

#### PASSENGER RAIL SERVICES

**Mr Tatham:** From time to time one sees acts of kindness that raise the spirit. The other evening going home on the train, I watched as two young people helped an older citizen who had difficulty communicating, who also had lost his ticket and was having trouble with his baggage. So I thought I should write a letter. I wrote a letter to Ron Lawless, the president of Via Rail. I said:

"Dear Mr Lawless,

"I want to commend the young lady and gentleman who were looking after the passenger on Via train 659 from Toronto to London on October 10th.

"I appreciate the kindness shown by these young employees to an elderly passenger who was rather confused and was having difficulty

with his ticket, luggage and where to get off the train.

"I observed the gracious activities of your officials as they helped this elderly man on his journey.

"Well done."

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr R. F. Johnston:** As all members, who have no doubt been called by constituents a lot in the last number of days since the community colleges' strike began, will know, nothing seems to be happening, no movement seems to be taking place in what is a very serious situation potentially for 100,000 students in this province in the coming weeks.

It is important to put this in a context, which is what I want to do today. The minister has said that in fact his increases have been meeting the inflationary demands and that the number of students has not increased greatly. These things are only partially true.

I think it is important to note that since 1978-79, the increase in the percentage of grants to each college per student has been around 57 per cent. In the same period of time, the consumer index has risen by 83.9 per cent. This caused an enormous problem in the colleges, so much so that as many as 18 of the 22 colleges looked like they were facing a deficit in 1988. This is the real backdrop to the strike which is on at the moment.

There is a real need for the government itself to involve itself at this stage to help in a couple of the areas in terms of job security and sick leave and the remuneration question, so that this strike can be ended as quickly as possible and the lives of these students will not be unnecessarily jeopardized, as may be the case.

#### GOVERNMENT'S RECORD

**Mrs Cunningham:** In those halcyon days of Ontario Liberalism back in 1985, long before scandals and resignations had taken the bloom off the rose and out of the cheeks of those new, eager cabinet ministers, the Premier (Mr Peterson) promised the people a government of compassion and competence. Today, that kinder, gentler, better-managed future continues to elude the grasp of this government and we are all frustrated.

Our jails are almost as overcrowded as our schools. Cancer and heart patients are dying for treatment in our world-class health care system and are forced to leave the province, and



sometimes the country, to obtain adequate care. Our courts are clogged up, the rent review system backed up, our roads jammed up, our taxes way up and the public generally fed up. We do not have enough nurses, teachers or community health workers, but we do seem to have more than enough labour unrest in the public sector, with college teachers, JPs and prison guards either on strike, working to rule or in a slowdown.

That is life in David Peterson's Ontario. As long as you do not get sick, want an education, have to drive on the roads, and above all do not pay taxes, you might not mind living here. However, those who do not like living with the shortages, the backlogs, the gridlock and the waiting lists, who do not like a second-rate government for their tax dollars, may find life in David Peterson's Ontario a bit too taxing.

1340

#### THOMAS STELLING

**Mr J. B. Nixon:** I rise on a matter that I think will be of concern to all members in the Legislature today. I rise to pay tribute to Thomas Stelling, our Sergeant at Arms.

Tom, as he is affectionately known to all of us, has served over 25 years in the Legislature. He began his career a long time ago as a clerk-messenger and in 1976 graduated to his present position as Sergeant at Arms.

He has performed his duties with intelligence, discipline and hard work but, more important, Mr Speaker, I believe he has assisted you and through you this entire House with his civility, self-control and good humour. I am told by his staff that Tom's humour has taken a decidedly curious turn in the last little while, perhaps as a result of his long-term association with the House.

He carries the mace as a symbol of authority and the sword as a symbol of justice and, although he has never had to use them, I certainly hope in the future that he never does have the need to use them on any of us, although I am sure he has been sorely tempted.

I wish Mr Stelling well for his 25 years of service and hope he spends another 25 years in this House with all of us.

**The Speaker:** I have two things I would like to do if I may. First, I would like introduce a guest and second, I would like to make a ruling that has been requested of me.

#### ZIGMAS VAIŠVILA

**The Speaker:** I would like to ask all members of the assembly to recognize in the Speaker's

gallery a deputy in the Congress of People's Deputies in the USSR and deputy in the Republic of Lithuania's Supreme Soviet, Zigmas Vaišvila. Please welcome our guest.

The next item will just be a little longer. I hope you will bear with me.

#### MEMBER'S PRIVILEGES

**The Speaker:** On Thursday last, the honourable member for Hastings-Peterborough (Mr Pollock) rose to bring a question of privilege to my attention.

The honourable member stated that upon receiving a complaint from a constituent about a program put forward by Ontario Hydro, he had passed on the complaint to the minister. The matter had then been referred to Ontario Hydro by the minister and the chairman and president of Ontario Hydro had then answered the honourable member directly. Finally, that same letter appeared in two local newspapers in the "Letters to the Editor" section approximately two weeks later.

The honourable member is complaining that his privileges have been abused because someone in the ministry caused those letters to be published and the name of his constituent appears in the letter, thereby having an embarrassing effect on the person who complained to the member in the first place. As well, the member feels this may have a restraining effect in the future upon his constituents who might fear that their names would be published in local newspapers if they seek redress from their MPP.

Before I rule on this matter, I would like first of all to recommend to members that in the future, as has been our practice, they give the Speaker at least one hour's notice of a proposed question of privilege, unless the matter that is being complained about is something that arises out of the proceedings of the House and in that case, the question of privilege should be presented immediately. Also, it is incumbent on members to present their case fully to the Speaker in the chamber and it is not satisfactory to present written submissions. The reason for this is to give other members the chance to participate if that is their wish.

As far as the case presented to the House by the honourable member last Thursday is concerned, I well understand the member's concerns. In his presentation, he quoted Erskine May's 20th edition at page 167 as follows:

"...the special position of a person providing information to a member for the exercise of his

parliamentary duties has been regarded by the courts as enjoying qualified privilege at law."

What the honourable member forgot to quote was the beginning of the sentence, which reads as follows:

"But while it appears unlikely that any question of an actual or constructive breach of parliamentary privilege could arise in these cases...."

This full quotation implies two things: first, that the breach complained about does not constitute a question of privilege and second, that the relationship between a member and his or her constituent is a special one to the point where members in a court of law have been able to use the defence that their communication with constituents was privileged.

In the present case, I cannot identify who gave the letters to the newspapers and have no intention of pursuing the matter, but I do want to emphasize the dual responsibility made clear by this case. First, the public service should treat matters dealing with constituents with the utmost discretion. Second, it might be useful if members ascertain from their constituents whether or not they wish the matter to remain confidential.

In order to emphasize this, I would like to quote the Right Honourable Winston Churchill, from 9 March 1954 in Westminster, who said:

"The matter cannot be dealt with by a general rule against disclosure. But clearly departments must exercise great discretion as to the circumstances in which disclosure is appropriate; and a reminder is being issued to departments in this sense.

"If I might make a practical suggestion, honourable members might also consider on occasion asking their correspondent, in the case of a letter on which they are contemplating an inquiry from the government, whether he is willing that it should be disclosed to a wider circle."

Therefore, I thank the honourable member for bringing the matter to the attention of the House, but I must find that there is no *prima facie* case of privilege.

**Mr Pollock:** Mr Speaker, do I have an opportunity to comment?

**The Speaker:** Order. No, you do not and you do have a chance to appeal it either.

**Hon Mr Ward:** I would seek the unanimous consent of the House for formal recognition of a long-time servant of this Legislature.

**The Speaker:** Is there unanimous consent?

Agreed to.

## THOMAS STELLING

**The Speaker:** Not the Treasurer again.

**Hon R. F. Nixon:** Ah, yes, it is one of those days again, gentlemen and ladies.

I would like to join with the honourable member for York Mills (Mr J. B. Nixon) in expressing our appreciation to Thomas Stelling for his 25 years of service to this House, a good part of that time as the Sergeant at Arms. Somebody has said that he has been responsible for turfing more people out of this place than the electorate. I am not sure I want to agree with the other Nixon, when he said that he hopes he does not have to use his sword in the future, because sometimes I have in mind some people who might get pierced.

Actually, I have been subjected to the tender ministrations of the Sergeant at Arms. On one black day when the Speaker had thought that I was overvocaliferous in my objections to the government's undertaking time allocation, if members can imagine, the honourable Speaker of the day named me. Naturally, I was ready to do what I was told, but even before I could leave through the doors, the sergeant had come to assist me.

## 1350

So that the story is complete and since there is no time limit on this discussion, I think perhaps I should tell the House, which would be interested in this, that a few minutes later the House, by its vote, reversed that decision and I and a couple of other worthies were ushered back into the House. I really forget the circumstances in detail, but yes, that was the time it happened, however unjust and however temporary. Thomas Stelling did his duty on that day, as he always does, with fairness, equanimity, justice for all and dispatch. I know we have counted on him to do that for all these years.

During one period of his tenure the responsibility for the general safeguarding of ourselves as members and the security of this House in general was put on his shoulders, and this is a special responsibility that I think has been carried out with a good deal of sensitivity and finesse. At least we are still here, not bloodied but somewhat bowed. In this connection he has shown a good deal of leadership that is much appreciated and valued by us all.

On an entirely different level, most of us, indeed I am sure all of us consider Thomas Stelling a good friend. He always has a cheery word and a comment and is helpful in many respects. We appreciate his friendship, we thank



him for his service and we wish him well for many years in the future.

**Mr D. S. Cooke:** I have been asked, and I appreciate the opportunity to be able to comment on Mr Stelling's service to the people of Ontario and to this Legislature. The main reason I was chosen was not just because I am House Leader, but because in looking around, I think I am one of the few members of our caucus he has not thrown out.

**Mr Eves:** Yet.

**Mr Pelissero:** There is hope.

**An hon member:** We can fix that.

**Mr D. S. Cooke:** Now, anyone else who is missing, we can arrange that later, Tom.

It is an honour to participate. There are not many members of the Legislature and there are not many people who serve the Legislature who can put up with the elected members for 25 years. Mr Stelling has been around here since age 17, if I remember correctly from reading one of the press clippings, in a number of capacities, as a messboy, as an attendant in charge of the pages and now as Sergeant at Arms. I think he has served the Legislature and the ceremonial position of Sergeant at Arms with distinction and class.

He is a friend of all members of the Legislature. We in the New Democratic Party certainly wish him well and look forward to seeing him serve the Legislature for many years after all of us are gone. Even the member for Brant-Haldimand (Mr R. F. Nixon) will be gone and Tom Stelling will still be here.

**Mr Harris:** It is with pleasure that I rise on behalf of my party to honour Thomas Stelling, Sergeant at Arms. We are recognizing today two of Mr Stelling's anniversaries: One is 25 years, of course, with the Ontario public service, and I believe the other is 13 years as Sergeant at Arms of the Legislative Assembly of Ontario.

I am told that when his service began on 17 August 1964 in the position of clerk-messenger—

**Mr Rae:** When he was eight years old.

**Mr Harris:** The leader of the New Democratic Party says when he was eight years old. I think that is in reference to how well you have retained your youth, Mr Sergeant at Arms. He began for the princely annual salary of \$2,280.

**Hon Mr Ramsay:** Let's bring back the good old days.

**Mr Harris:** Well, I have heard Thomas say on occasion that the good old days are still here with reference to his salary and it may be something

that should be looked at. Quite frankly, with all the speeches I have made on restraint, I do not mind saying that I think he may be right and it is something that should be looked at.

Through a series of promotions he managed by 26 October 1976 to be appointed Sergeant at Arms. All of us in this Legislative Assembly know Mr Stelling well and have come, I believe, to appreciate his dedication, his commitment to security and the administrative function of his office, and his good humour and friendship as well.

We know from time to time, as has been mentioned, that the odd member, Mr Speaker, has been named by you, and Mr Stelling has had the pleasure of escorting the named member out of the House. The Treasurer (Mr R. F. Nixon) has referred in his remarks to that one opportunity that he remembers so well. I suppose if there were any mistakes at all—some suggest there were a lot that were made over a period of 42 years—perhaps it was the one, which it appears to me the Treasurer has relayed, when the House reversed a Speaker's ruling, which I would never suggest the House should ever do, and allowed the Treasurer back into the House. If there was a mistake made in 42 years, that may very well have been the highlight of mistakes.

However, it is just one example where Mr Stelling brings dignity to the House, where he reminds all members of the House of the honourable traditions of this chamber. On behalf of my caucus colleagues, I say that we look forward to having Thomas Stelling serve us well for many more years to come.

**The Speaker:** I will certainly see that the Sergeant at Arms gets a copy of Hansard in case he does not have access.

**Mr R. F. Johnston:** Mr Speaker, I think we also have unanimous consent to say a few words about our esteemed visitor today.

**The Speaker:** Is there unanimous consent?

Agreed to.

ZIGMAS VAIŠVILA

**Mr R. F. Johnston:** I want to be the first to be able to rise today and say how important I think it is for this Legislature that for the first time ever an elected representative—since perestroika there have been some real elections take place in the Soviet Union and the republics it controls and for the first time in our chamber we have somebody from there who has been elected.

I think it is important for a number of reasons. We think of ourselves and the kinds of sacrifices we make to become elected, but I think it is

important to think back to what Zigmas Vaišvila made last winter when he made the decision to run, essentially in a by-election, for the Lithuanian Supreme Soviet.

He had not only all the kinds of decisions to make about leaving his professorship at Vilnius University where he was a physicist to work full time for the Sajudis movement, which is committed to reform and independence in Lithuania, but he also did it in the context of immediately following the Brezhnevian era, and with a history of persecution of the Lithuanian community that is something none of us have ever had to experience here and only know second hand from Lithuanians who came to Canada to escape that kind of persecution. I think for that reason it is especially important that we have somebody like Zigmas here today with us.

I had the pleasure of meeting him last summer when I was in Lithuania. I was overwhelmed by the incredible strides that have been made there in the course of just these last nine months or so, if you think about it. From having no respect at all for the Lithuanian reality, they now have their language as the official language of the country, or the republic as it is still known. Their flag is flown for the first time in 40 years. Their anthem has been legally sung again for the first time in 40 years in that country. The emotional release is just phenomenal to experience.

When we were there, there was the return of coffins from Siberia of people who had never even been recognized as having died in the deportations that took place so many years before. We saw a peaceful sit-in at a Russian air base with signs that made you think of the anti-Vietnam war demonstrations of the 1960s here, a remarkable kind of change.

For those of us who are in an established democracy, the most incredible thing was the vitality of the new democracy that is developing in Lithuania. It is absolutely phenomenal. Sajudis is a common front. These days it represents, without any doubt, about 85 per cent of the population of that country. When they think about taking on an undertaking, for instance, a petition program, they do not consider it a success unless over 50 per cent of the adult population signs the petition.

1400

You think about it in the context of our democracy here and the apathetic approach to involvement we often face. You think of our situation and compare it to theirs where people linked arm and arm across several hundred

kilometres of the country so that there was one linkage of people for independence across that nation. It is phenomenal and a wonderful thing for us to experience in our mature democracy that we have here today.

For the meetings that have been afforded Zigmas today, I would like to thank those people who have done it, from my leader, the leader of the official opposition, to the Minister of the Environment (Mr Bradley) and the Premier (Mr Peterson). I think it is important to realize that in this February coming up, there will be the first real democratic elections in Lithuania to be held in full in over 40 years. There is every likelihood that Sajudis members will win 80 to 85 per cent of the vote. In other words, their representation is going to be even larger than that of the Liberal government in Ontario, if one can imagine such a phenomenon.

There are the problems they are going to face at the end of that period in making a transition to some kind of mixed market economy and a move towards democratic control of a bureaucracy that has been much more profoundly entrenched than the 42 years of Tory bureaucracy that the Liberal government faced when it came in. It is mind boggling to think about it.

I think we have a responsibility—that is why it is so symbolically important that Zigmas is here today—as an old, established democracy with an institution of Parliament that is so important, and with freedom of speech and a free market economy to understand our obligations to this new democracy as it develops in eastern Europe and to provide resources to Sajudis and other movements as they take power, to assist them in that transition, whether it is in terms of how to help a bureaucracy change and respond to a democratically elected House or whether it is how you bring about some kind of mixed economy in what was a totalitarian, totally controlled economic sphere.

I am hoping that all members in this House will look at this day as symbolically important in that fashion and that this is the first step to that kind of support that we can provide to Zigmas and the others who have been fighting so hard for independence in Lithuania.

**Mr J. M. Johnson:** On behalf of the Progressive Conservative Party, I would like to join my colleague the member for Scarborough West and all members of this Legislature in extending our best wishes to our distinguished guest from Lithuania. Zigmas Vaišvila is a deputy in the Lithuanian republic and also the Congress of People's Deputies in the Union of



Soviet Socialist Republics. He is also a leader in the environmental field.

Environment is so important to all of us, whether we live in Ontario or Lithuania or the USSR. Whatever you can do in Lithuania to help to solve the problem will be beneficial to all people in all parts of this world. We should all work together to see that we leave a safe environment to our future generations.

I was fortunate enough to have the opportunity to visit the USSR this past summer. I did not have the opportunity to go to Lithuania, but I was in Estonia for some days and I very much enjoyed the opportunity to meet with the fine people of that Baltic republic. I share many of the thoughts expressed by the member for Scarborough West and I know that the members of this Legislature will join with me in requesting that you bring back to the people of Lithuania, the Baltic republic, indeed the USSR, our very best wishes that a very peaceful solution can be found for their very important political problems.

**Mr Fleet:** I am delighted, on behalf of my colleagues in the Liberal Party, to be able to honour Zigmas Vaišvila. He is certainly in a very challenging and exciting role in his country and indeed in the world. I also want to acknowledge the initiative and the assistance of the member for Scarborough West, and certainly as well to acknowledge the interest of other members of my caucus. We have had a meeting with Zigmas, with the member for Hamilton Centre (Ms Oddie Munro), the member for Mississauga East (Mr Sola) and the member for Mississauga West (Mr Mahoney), as well as the Minister of the Environment, and of course there was also a meeting with the Premier.

I would also like to very much acknowledge the contribution that has been made by Canadians of Lithuanian descent. The Lithuanian-Canadian community has over the very long, dark period in Lithuania's history done everything it can here in Canada, first, to keep us reminded of the importance of the issues and the state of affairs in Lithuania, despite very difficult circumstances, and second, to directly help people in Lithuania.

Mr Speaker, I would ask that, as well, you provide a copy of these comments to your counterpart in the Lithuanian Supreme Soviet so that they have some sense of our acknowledgement of the importance of these issues and also to indicate that we are willing to help.

I have been provided with a document in English that has been translated by members of the Lithuanian-Canadian community that out-

lines the kinds of considerations that are being taken into account in Lithuania. Zigmas's role, if members would consider it, is that he is in effect both a federal and provincial member of Parliament in his country, where they essentially have had no democratic rules and are building democracy from the ground up. That was the way the Premier put it and I think it is very accurate.

The challenge is astounding, exciting, fraught with many difficulties and I want to encourage everybody in Ontario to be sensitive to the human condition that involves, not simply political civil rights, although that is obviously fundamental but the very questions of nationality and the environment.

The amazing thing I found in this document outlining the activities of the common front movement, Sajudis, over in Lithuania is the impact of environmental considerations. In addition to being an active member now politically, Zigmas is the president of the board for the first Lithuanian green party. He is a founder of the ecological movement in Lithuania, all of which has come out into the open in only the last two or three years.

There are so many things they are in need of assistance on, and surely in the area of the environment, as well as the area of human rights, it is important that we have a sense of community in this world. The environmental problems that they have and we have are frequently similar. With the advances we have been able to make, I believe it is very important we try to share our knowledge, our technology, our experiences and to some extent the mistakes we have made, and to relate the benefits of our experience as freely as possible to all the people of Lithuania.

Fundamental to that, in the exercise of protecting their environment physically and culturally, is the independence of Lithuania and I, for one, cannot wait for the next set of elections to take place. The Ziodus movement will undoubtedly sweep to a victory and they are going to continue on that very exciting role of building a democracy and literally freeing people in so many ways.

I would like to reiterate on behalf of the members of the Liberal Party, and I think I can safely say on behalf of everybody in Ontario, that we are delighted Zigmas is here. We are encouraged by the activities. We want to help. We look forward to a very active partnership with a free people in Lithuania at the earliest opportunity.

**STATEMENTS BY THE MINISTRY  
CORRECTIONAL OFFICERS  
AGENTS DES SERVICES  
CORRECTIONNELS**

**Hon Mr Patten:** I am extremely pleased today to be able to report to this House that an agreement has been reached between the Ministry of Correctional Services and the correctional services officers represented by the Ontario Public Service Employees Union.

**1410**

As members are aware, a number of Ontario's correctional officers throughout the province have been involved in job action over the past four days. The agreement reached early this morning after a lengthy discussion with union leaders will see a return of correctional officers to their normal duties by no later than midnight tonight.

Comme fondement de l'entente, le ministère des Services correctionnels a accepté de prévoir des rencontres visant à examiner un certain nombre de questions qui préoccupent ses agents.

Mon ministère va étudier les questions de capacité et d'effectifs ; le ministère du Travail va se pencher sur les aspects maladie et sécurité du travail ; et le Secrétariat des ressources humaines va revoir les questions liées aux pensions et aux rentes de retraite.

In addition to returning institutions to normal operating conditions, the union executive has also agreed not to appeal the injunction against illegal strike action, which was granted to the ministry on Tuesday 24 October. Those officers who were suspended as a result of job action, or who called in sick and do not have a doctor's certificate, will not be paid for time off from the job.

Je voudrais également souligner le rôle joué par les cadres supérieurs et par les agents des services correctionnels, qui ont travaillé pendant l'action syndicale afin d'assurer que les établissements demeurent sûrs.

I am confident that this agreement will provide us all with a basis to work together to address the challenging issues that face the ministry and face all of us in the near and long-term future.

**PARENTAL LEAVE**

**Hon Mr Phillips:** The government of Ontario is considering amendments to our workplace law on unpaid family leave. I would like to inform the members that the Ministry of Labour will begin consultations immediately on proposed changes to the Employment Standards Act that will help

working people to balance their work and family responsibilities.

The federal government plans to change the Unemployment Insurance Act. Among the changes that it is planning is a proposal to introduce a new parental benefit policy, including increasing the maximum benefit entitlement for natural mothers from 15 weeks to 30 weeks.

The province is considering ways it can harmonize its job protection for workers with those proposed changes that we will see to the unemployment insurance benefits. The time frame for our review of these pregnancy and parental leaves is by necessity a short one, given that the changes to UI benefits will likely take effect 1 January 1990.

We have produced a discussion paper called *New Directions for Workers with Family Responsibilities*. The paper will be circulated to generate discussion and comment. The discussion paper proposes an unpaid family leave that would have two areas of focus. One would address the needs of parents at a time that a child is born or adopted. The second focuses on employees' broader family needs.

I would like to take just a minute to explain why these issues are of relevance to all Ontarians. I think we all know that the nature of the workplace has changed. Women now in this province make up 45 per cent of the workforce and increasingly, women who have children are returning now to the workforce. Seventy per cent of Ontario's families now have no stay-at-home parent. We also know that this generation of workers faces pressures with regard to the care of ageing parents and other dependants.

While these demographic figures are very established, we are only now realizing what they mean in terms of day-to-day lives of families, communities and our colleagues at work. Work life and family life are no longer separate. One family member is not exclusively assigned to one role. Rather, there is clearly an integration of roles in which work and family responsibilities are blended.

This clearly requires a different perspective by employees, employers and government. Employers are finding that there is a relationship between the increasing pressures of family life and employee absenteeism caused by stress. Firms are also clearly realizing that by introducing supportive measures, they are more likely to attract and to retain skilled workers.

This government believes that these sorts of contemporary actions are fundamentally important to the working people of this province.



Before any legislative action is taken, we will conduct broad consultation on the measures, including meeting with groups from labour, from business as well as organizations that represent the interest of women and families. Copies of our discussion paper are available for the consideration of all the members.

### CRIME PREVENTION WEEK

**Hon Mr Offer:** It is with great pleasure that I rise today to announce the commencement of Crime Prevention Week in Ontario. This year, Crime Prevention Week will begin on 29 October and run until 4 November.

This is the sixth year we have recognized Crime Prevention Week, and I wish to emphasize the importance which the government places on these activities.

During this week, officials from my ministry will be holding special seminars to emphasize the importance of crime prevention in our communities, and presenting awards to citizens who have made outstanding contributions to crime prevention in towns and cities right across the province.

The theme for Crime Prevention Week this year is "You Don't Need a Uniform to Join Our Team." I believe that you will see from the following examples that one truly does not need a uniform to make a significant contribution to crime prevention in our province.

The contributions that our citizens make to the crime prevention team take many forms. One example is the Wanup-Red Deer Lake area neighbourhood watch committee. The neighbourhood watch program in this region encompasses 300 residents living in scattered settlements along 60 miles of secondary roads. Criminal occurrences have been reduced by 70 per cent since the program began. In this case, the simple fact that neighbours look out for each other has made the community more safe and secure.

A similar award will be given to the Ottawa Regional Co-ordinating Committee on Wife Assault, which has helped increase public awareness of domestic violence issues, and which has provided comfort and support to the victims of this unacceptable crime.

These examples are only two of many across our province. The people who make up these organizations are the heroes who contribute in a very substantial way to the quality of life in their communities. They will be recognized at awards presentations right across our province.

During the course of this week, I, as well as officials from my ministry, will attend crime

prevention seminars across the province. At these seminars, we will be discussing community policing programs such as neighbourhood watch programs and community participation in crime prevention. In addition, discussions will also focus on the issues of child abuse, drinking and driving, education programs in public and secondary schools, as well as drug and alcohol abuse.

I want to emphasize that these are all continuing programs. We recognize their importance in a formal way only once a year, but their benefits and their effects continue all year long. These programs are part of the reason that our cities and our towns are widely known as safe and secure places to live.

While we recognize only a few, they stand for the many thousands who volunteer their time and their efforts to make our cities safer and our communities more friendly, more welcoming and more secure. We welcome these people to our crime prevention team.

During Crime Prevention Week, my ministry will honour these people; but in truth, they honour us.

### RESPONSES

#### CORRECTIONAL OFFICERS

**Mr B. Rae:** It is my understanding that negotiations were held last night that did not include the Minister of Correctional Services (Mr Patten) but that included several deputy ministers. It is also my understanding that the union has agreed to the return to work under the conditions that no one will be paid for days missed but that there will be no further punitive action taken against any employee, and that guards who do in fact have a doctor's certificate for days booked off sick will be paid for that time.

1420

It is my further understanding, and we may need to ask the minister some questions about this, that the minister's deputy and other deputies involved, including the Premier's deputy, reached some understandings with the union with respect to the government's commitments. I take it, when the minister says, for example, that, "Capacity and staffing issues are going to be addressed by my ministry," the logic of that is that there is a commitment to new staff positions where it can be shown that new staff and resources are required, that he cannot address the problem without adding new staff.

It is also my understanding that the question of early retirement, in particular, which is not

mentioned by the minister, was discussed in principle with Miss Todres and that Miss Todres agreed that would be the subject of the discussions in early November and that in fact, in principle, the government has accepted the notion that the needs of prison guards, who are under particular stress and whose jobs are particularly stressful, their needs with respect to early retirement will be recognized.

We have been critical of this minister for failing to meet. I continue to believe that if the minister had shown a personal willingness to meet with representatives of the union several days ago this matter could have been resolved, that the issues that led to this confrontation were not a secret to this government—they are well known and well documented—and that to this time, the minister himself has not even personally met with representatives of the union with regard to these issues, which I find a rather strange decision on his part, and I find it strange that he would be so out of touch with what in fact is going on within the prison system.

If in fact it is the case that the government has agreed to additional resources, has agreed to address the health and safety problem and has agreed to deal with the early retirement issue, I say that is a recognition on the part of this government that the concerns which led to the job action were based in fact, were justified and warranted a constructive response from the government. I think that is a significant statement and, as I say, this four-day crisis could well have been averted if the government had taken those steps earlier on.

#### PARENTAL LEAVE

**Mr R. F. Johnston:** In response to the statement by the Minister of Labour (Mr Phillips) about maternity and parental leave, I just want to say that I think the minister would be a little embarrassed to make this kind of announcement today for two reasons. He is announcing a proposal, a discussion paper, on one little portion of what is needed in employment standards, when the man sitting next to him, the past Minister of Labour, the member for York Centre (Mr Sorbara), promised us last year a total overhaul of the employment standards legislation.

When I took him up on the fact that one of the things he did not seem to be considering at all was this question of maternity and parental leave, all of a sudden what we are getting, instead of the total overhaul, is a discussion paper on that particular matter itself. Not only are we getting

that discussion paper only, we are getting that a week after the Ontario Advisory Council on Women's Issues comes forward with precise recommendations, many of which are paralleled here and some of which go further, which should be used as the basis now for that incorporation within the overall Employment Standards Act.

So I would say the minister should be embarrassed. This is a time when he should be saying: "I concur with those recommendations. This will become part of the employment standards review and we will get that legislation"—not a discussion paper, but the legislation—"before this House at the earliest opportunity."

#### CORRECTIONAL OFFICERS

**Mr Cureatz:** In as restrained a manner as I can, I would like to thank the minister for the statement with regard to the correctional services situation. I want to say to him, however, as indeed the leader of the official opposition has already indicated, it is obvious that over the last six months to a year, if not longer, these problems have been brewing in our correctional facilities.

If we look back to the last session, I had the opportunity of visiting, as an example, the Toronto Jail. I followed that with questions to the then Minister of Correctional Services, the member for Timiskaming (Mr Ramsay), and those questions were based right on the statement the minister has made in terms of negotiations for capacity, staffing, health and safety.

It grieves me to no end to think it took this kind of job action by the correctional staff to come forward finally with a negotiated settlement. I want to say to the minister that the feeling I had when I visited the Don Jail and spoke with the employees was one of sincerity on their part. They felt they had no one at the upper echelons of the correctional ministry listening to them, and do you know what? They still have that feeling with the minister.

He has a long road to go yet in terms of building a bridge so that the correctional staff feels confident that he is indeed, first, going to negotiate it in a fair-handed manner and, second, be able to convince his cabinet colleagues so he will be able to get the resources that are required to alleviate the concerns they have and that are going to be centred on over the next few weeks during the discussion period.

#### ORAL QUESTIONS

#### CORRECTIONAL OFFICERS

**Mr B. Rae:** I want to try to ask some questions of the Minister of Correctional Services about the



statement he made today. First of all, can the minister tell us: Did he at any time meet with the representatives of the Ontario Public Service Employees Union with regard to this settlement.

**Hon Mr Patten:** No, I did not personally meet with them. However, my deputy minister indeed did.

**Mr B. Rae:** Can I take it, then, from the statement—I am afraid that if the statement is ambiguous we are going to end up with more problems than we need, and I hope we can clear up any ambiguity if there is some.

When the statement says, “Capacity and staffing issues are going to be addressed by my ministry,” can I take it from that that the minister is admitting that overcrowding is a problem, that understaffing is a problem and that the ministry is prepared to commit resources to deal both with questions of capacity and with questions of understaffing? Is the minister prepared to deal both with capital expenditures on capacity as well as with the staffing problem, which is very real?

**Hon Mr Patten:** I can appreciate what the honourable Leader of the Opposition is trying to push towards. He must appreciate that we have plans and we have things that were already in the hopper to address some of these issues, prior to this particular set of circumstances occurring in the last week. I will tell him that he has a copy of the letter that was jointly signed early this morning. It is a letter that identifies concerns and says that there will be meaningful discussions and explorations addressing those.

I cannot preclude the specificity of the results of that, but obviously he can anticipate what may be concerns on both parties. The commitment here is to get on with it, to spend time together, to explore what is meaningful and important and see how we can resolve the issue.

**Mr B. Rae:** I can appreciate that the minister “cannot preclude the specificity of the results of that,” if I can quote back to him exactly what he said, because I have no idea what that means. I literally have no conception of what that means.

As I do not understand that statement, perhaps I can ask the minister this. My understanding is that there were some very specific discussions with respect to the question of early retirement. The phrase “early retirement” is not contained in the statement as made by the minister today. Can the minister tell us whether it is now the policy of his ministry that it is prepared to recognize that prison guards can get burned out early, that they face a particularly stressful job and that their request to be able to retire early is going to be

recognized by this government, or at least that this is what the ministry is going to recommend to Management Board and to the Human Resources Secretariat?

**Hon Mr Patten:** The letter states fairly clearly that what was committed to was the arrangement of a meeting to look at specific areas, pensions and associated retirement concerns. It lists the date, it lists the hour. This was after discussion with the parties involved. They acknowledged that this was good progress and agreed to meet. I cannot speak on behalf of the Human Resources Secretariat or Management Board, as the honourable member knows. However, if he has some kind of optimism within him, then he would acknowledge that we have agreed to meet and will get on with the job.

**Mr B. Rae:** I would not be the leader of the New Democratic Party if I was not full of optimism all the time—hope, optimism, faith, call it what you will.

**Mrs Grier:** Even some charity.

**Mr B. Rae:** Charity, all those qualities.

#### 1430

**The Speaker:** I have been hoping for a new question. The question is to which minister?

#### NATIONAL COUNCIL OF JEWISH WOMEN OF CANADA

**Mr B. Rae:** I have a question for the Minister of Community and Social Services, who is engaged in a conversation. I will take the opportunity to ask it as he returns to his seat.

Yesterday I asked the Premier (Mr Peterson) certain questions, which I am sure the minister had a chance to look at. The Premier said he did not know any of the answers. I wonder if the minister is in a position to answer my questions about the alleged overpayment to the National Council of Jewish Women, Toronto section. How much is the overpayment, what is it for, and when was it first discovered?

**Hon Mr Beer:** I think I can reply to the honourable member. The figure of \$200,000 was mentioned in the article in the Globe and Mail and that is the amount we are looking at. What has happened is that we do an audit of all of the grants we provide to agencies and, in the process of doing that audit, we determined that amount of money had, in our view, not been spent on exactly the things we thought it was to be spent on.

We are currently sitting with the agency to review that with it, to go over questions that we have and to ensure two things: (1) that for those

dollars that have been spent inappropriately, we will work out a repayment, and (2) that we want to ensure that the services that were to be provided to the disabled persons for whom those moneys were initially set out will continue to be provided.

**Mr B. Rae:** There is also a question, I understand, of a separate grant from the Ministry of Citizenship which is, I am told on the basis of press report, the subject of an investigation by the fraud squad. I take it this overpayment is not the subject of a police investigation, but I wonder if the minister can tell us, since he has not said that, what the payment was supposed to be for and how the overpayment came about.

**Hon Mr Beer:** The amount of money came up as we were doing an audit of 1986, 1987, 1988. We had provided grants for programs for the physically disabled. Essentially, I would define it as attendant care programs. During the course of the audit, it was discovered that some of those funds—and this is what we are trying to do a reconciliation of with the agency—were spent on certain things which were not in the grant. We want to finalize that with the agency so that we can recover those funds that were not appropriately spent.

That audit that I am referring to began in the summer. It was, again, a regular audit that we do with all of the agencies. Once we have determined that funds have not been spent in the appropriate way, we then set out some form of repayment and we will be doing that with the agency.

**Mr B. Rae:** There are so many questions that are raised by this. Perhaps the minister could tell us how many other agencies were found to have been overpaid in the course of this regular audit and perhaps the minister could tell us—he says that the funds in this case were spent on certain things which they should not have been spent on—whether he is in a position to let us know what those certain things were.

**Hon Mr Beer:** There are two questions there. In terms of other agencies, I do not have any information on whether there are others that have come up in terms of this year's audit. I can certainly find that out.

In terms of the second part of the question, until we have finished our discussions with the agency to make sure that what we came up with in fact was fairly done and that there is not a discrepancy where perhaps we have missed something, I would wait until that is concluded and would certainly be prepared to share that

with the honourable member. That will be within a very short while.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Jackson:** I have a question of the Premier regarding the now nine-day-old community college strike in our province. The Premier will be aware that there has been no discussion between the parties for over a week. He would also know that no date has been set for the resumption of those discussions and, in fact, the provincial mediator, Terry Mancini, was quoted in this morning's *Globe and Mail* as saying he sees no point in bringing the two sides to a meeting if they do not have anything substantial to discuss.

I believe there is a resolution at the bargaining table in this matter, but I further believe that the resolution can be achieved if the parties are encouraged by the Premier and his government to return to that bargaining table this weekend.

Would the Premier please indicate to this House what his government is doing to ensure that these two parties get back to the table as quickly as possible this weekend?

**Hon Mr Peterson:** I think the minister could tell my friend the status of those discussions.

**Hon Mr Conway:** I want, first of all, to say to my colleague the member for Burlington South that I would take this opportunity, in a very public forum, to strongly encourage both responsible parties to, in the interests of the students, get back to that table immediately and take the opportunity of the provincial mediator to assist them in any way.

**Mr B. Rae:** You sound like Bette Stephenson.

**Hon Mr Conway:** For the benefit of the Leader of the Opposition, who must surely understand the dynamic of the collective bargaining process, I say that if it is going to work, it must work by pressure coming to bear on the responsible parties.

I repeat, I strongly encourage, in the interests of the students, both those responsible parties to get back to that table immediately and to take advantage of the presence of the mediator to resolve this immediately in the best interests of the students involved.

**Mr Jackson:** I suspect, after 10 days, that is some marginal progress on the part of the government. It has moved off its position that it has known where the solution should lie, at the bargaining table. We are now getting a clearer



sense of how soon that should happen. I want to ask the minister to further clarify that statement.

I have looked at the Colleges Collective Bargaining Act and, the way I look at it, I see nothing in that act which the minister would offend or which would prevent him from getting on the phone, contacting these two parties and making arrangements this weekend to have both the parties return, with the mediator, to effect discussions at that table.

What is preventing the minister from making that kind of call to both parties to express very clearly his desire to have them return to the table immediately?

**Hon Mr Conway:** I have to believe that both the responsible parties are in fact responsible parties and that they do share the concern of the honourable members here present about the interests of the students. Surely the member for Burlington South cannot say, on the one hand, that he supports the collective bargaining process in statute as enacted by the Davis government some years ago and, on the other hand, ask for third-party intervention by the Minister of Colleges and Universities, which intervention he would know is entirely inappropriate.

I expect that both parties are, in the interests of students, going to accept their responsibilities. It would be very inappropriate for me to relieve the responsible parties of their obligations under both the act and the process.

**Mr Jackson:** The minister knows very clearly that what he is saying is that he feels it would be inappropriate to make such a call. It is clear that it would not be illegal and it would not offend the spirit of the act if the minister gave meaning to what he has just said in the answer to the question, and that was that he does in fact want the parties to return. If the minister does want that—it has been done before, and by his government—he should get on the telephone and encourage both those parties, not by making a statement in this forum but by contacting those parties and expressing to them clearly that they should be returning to the bargaining table in the best interests of this province.

I again ask the minister what is preventing him from making a simple phone call to give life and meaning to the statement he just made?

**1440**

**Hon Mr Conway:** I do not think a phone call is necessary. I have to believe that both parties know where this government stands. I listen to the member for Burlington South and I recall the days when his former leader, the former member for St Andrew-St Patrick, used to stand in this

place waving, and sometimes offering, a portable telephone. I do not believe in that kind of antic.

I believe we must get a settlement, and the settlement that is going to be a lasting one is one that is arrived at by both parties at the table. I repeat in this very public forum, it is to that table, with the assistance of the provincial mediator, that I expect both parties to return immediately in the best interests of the students.

#### CORRECTIONAL OFFICERS

**Mr Cureatz:** I have a question of the Premier; it is somewhat altered for his consideration. We congratulate him, of course, in terms of the settlement of the correctional difficulties that have taken place for the last few days. Would he confirm to the House that in fact the Minister of Correctional Services (Mr Patten) was not directly involved with the proposed settlement, and that it was actually through the Premier's office staff that they came up with the settlement arrangement?

**Hon Mr Peterson:** Thank you very much for the fine compliment given by my friend opposite. They are all too rare these days, I find, and I am sure he feels somewhat unburdened expressing that view of the government. Let me tell him it was completely because of the leadership of the Minister of Correctional Services in this matter, and all my office does—

Interjections.

**Hon Mr Peterson:** Well, since I am on my feet, it is interesting that my friends opposite, generally speaking, cannot handle good news, with the exception of my friend—where is he from, Sean?

**Hon Mr Conway:** Burlington?

**Hon Mr Peterson:** In the back row.

**Hon Mr Conway:** Oh, Durham East.

**Hon Mr Peterson:** —because he has a certain magnanimity of spirit that does not generally infect some of his colleagues. I say to my friend, yesterday was a crisis, and sometimes we get the impression that our friends opposite are hoping for a crisis; that they really do not want to solve the problem. I think we would all have to recognize that the minister did an outstanding job in bringing the parties back together and will effect a resolution in the fullness of time.

**Mr Cureatz:** I am only sorry that the Premier forgot the great riding of Durham East that I represent and I know I will not forget his position when I am in the chair from time to time, when I

have the opportunity of deciding whether he should be recognized or not.

Interjections.

**Mr Cureatz:** I say that only in jest to the Premier.

**The Speaker:** I hope the member is saying that in preparation of a supplementary.

**Mr Cureatz:** I was, and I concluded by saying I was saying it only in jest in terms of that position.

I want to say to the Premier, it is my understanding that the correctional officers had approached his office directly in terms of this settlement. That being the case, could he advise the House that he will do all in his power to assure the correctional officers that the necessary resources will be made available to alleviate those concerns that have been brought up in the minister's statement, and more particularly, capacity, health and safety, and overstaffing.

**Hon Mr Peterson:** I can say to my friend opposite that I do not mind his threat. I get threatened regularly, daily, in my business and that is fair enough.

But let me say in response to my friend that there has been an agreement between the minister and the Ontario Public Service Employees Union at the present time and they are going to be sitting down and going through a number of these issues. I say to my friend that the government takes these matters seriously. I am not in a position to give a commitment now about the specifics, but I can assure my honourable friend that the minister and the government will work with good faith and I am sure the same thing will come forward from OPSEU in that regard, from Mr Clancy and his associates, and I think reasonable people can solve these kinds of problems.

We understand the pressures on the system, as do they. There is no desire to denigrate anybody's position. They understand the finite nature of the resources in government, as does everyone else, but I think people of goodwill and good spirit can find those answers and I am very confident in the leadership of the Minister of Correctional Services to work this matter out.

**Mr Cureatz:** In terms of the pressure that appears to be taking place with the concerns about the drug problem in our urban areas and the hiring of more police officers which, indeed, then puts greater pressure on our courts and, finally, greater pressure on our correctional facilities, as we have seen over the last few days, could the Premier indicate whether he has

directed the judicial ministries to co-ordinate a plan in terms of not having to have Band-Aid solutions, which this correctional problem could very well be?

In terms of a direct plan by the judicial ministries, if we are hiring more police officers who wind up clogging our courts and clogging the correctional facilities, surely there should be an overall approach as opposed to trying to resolve the correctional problem we have had in the last few days.

**Hon Mr Peterson:** I think my honourable friend makes a very good point. It is only one part of, shall we say, the drug problem and there are other aspects to it as well. As the member knows, we have a minister now responsible for co-ordinating that.

I can tell my honourable friend that the Attorney General (Mr Scott) took great leadership on this matter some couple of years ago when he started with the Zuber commission and then others. He is now implementing court reform that we think will have an influence on this, and I can tell the member that the Solicitor General (Mr Offer) is doing the same thing.

I want to tell my friend I cannot offer perfection every day on all matters, but we will do the best we can, and the ministers are working very hard to co-ordinate the response on these matters to make sure that we have the capacity to meet whatever the future brings.

#### TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** I have a question of the Minister of Natural Resources. Back at the beginning of October, the minister's staff announced that an aboriginal campsite was found on the Red Squirrel Road construction site and that it could be as old as 3,000 years. Does the minister not feel that a discovery of this kind and of this significance really does raise very basic questions about the lack of a full environmental assessment hearing on the site in question; that if there had been such a hearing and such an assessment, we would be able to discover whether there are more sites or whether this is just the only one?

**Hon Mrs McLeod:** As the honourable member is well aware, there were many months of very intensive investigation and consideration of the intent to construct the Red Squirrel Road prior to the decision being made to go ahead with the construction. Having said that, I think what the honourable member has indicated in terms of more recent findings of important archaeological sites is an indicator that the ministry has



continued to look at any issues of concern in its review of both the area involving the road and any potential harvesting area. That site was identified and steps were taken to look at the design of the road to specifically address that concern.

**Mr Wildman:** The minister will admit, I am sure, that the environmental assessment that was ordered for the Red Squirrel Road was very restricted and did not look at the kinds of social impacts that might have turned up this kind of information.

Now that we know there is a site there and there is an attempt to realign the road to avoid disruption of this valuable site, can the minister indicate what the government's plans are with regard to the construction of that realignment if the court today does not deal with the request for an injunction, but that is put off to some later date?

**Hon Mrs McLeod:** I think the honourable member recognizes the fact that the injunction hearing is before the courts today and I really think it would be inappropriate for me to either speculate on the outcome of that court decision or to consider any implications of what that outcome might be.

#### GOVERNMENT HIRING PRACTICES

**Mr Harris:** I have just found a question for the Premier about his government's hiring practices. Today the Provincial Auditor released his report on the Dino Chiesa affair. The auditor expresses concern about the hiring process, stating, "It fell considerably short in demonstrating fair and equitable treatment of all considered candidates."

This government is hiring more and more staff and consultants every day, some say at record levels. I would like to ask the Premier if he has reviewed the findings from the auditor and if he has any intention of changing his government's hiring practices to end the unfairness that was cited by the auditor. If he is, what changes is he contemplating to end the unfairness that the auditor cited in his report?

1450

**Hon Mr Peterson:** The minister has reviewed this matter, and I think he can share his views with the honourable member.

**Hon Mr Sweeney:** My understanding of the request that the Provincial Auditor review this situation was based on two questions. The first one was whether or not undue influence had been brought to bear by four different people who

were mentioned. The second: was the interviewing process a fair and reasonable one?

The honourable member will be well aware of the fact that the auditor's report clearly indicated there was no evidence of undue pressure brought to bear and, as I say, the four individuals who were questioned in the first place were all identified in the auditor's report. So that one was settled.

There was still a difference of opinion between staff of my ministry and the auditor as to whether or not the interview process was done properly. That difference of opinion continued even this morning during the hearings.

Gardner Church, who was responsible to me for the greater Toronto area, was one of the people who was interviewed this morning. He clearly indicated, in the presence of the auditor, that the process was fair, that five people were interviewed, that four of the five indicated there were parts of the offering which they simply could not accede to and that Mr Chiesa was in fact the only one of the five who was willing to accede to all of the conditions and therefore was the one who went forward and got the job.

**Mr Harris:** Mr Speaker, I would like to remind both the minister and the Premier, through you, that the question really did not deal with the whole matter he has just answered. I wanted to know about what we are going to do in the future. I wanted to know whether the Premier is concerned when the auditor makes a statement that the process "did not treat all selected candidates fairly," not about the individual case. We have the forum in the standing committee on public accounts, and we are looking at the individual case that is there. I am concerned about—

Interjections.

**The Speaker:** I would remind the member that the Minister of Housing was answering the question. You might pose your supplementary to the minister.

**Mr Harris:** Since you suggest that I will have to go to the minister, I will do that and see if he might like to refer back to the Premier.

Given the auditor's statement that in this case the process "did not treat all selected candidates fairly" and the fact that the auditor had identified a serious problem, I would like to know if the Premier is prepared to recognize that the minister's inaction in this case, and the Premier's inaction dealing with all of the ministries and in fact with government hiring, is not a healthy signal that is being sent out to the public, and to

recognize that action is required to correct this problem for the future.

**Hon Mr Sweeney:** I thought that in my original answer I had spoken to the member's concern that the allegations that were brought up have not been substantiated, very simply. That was the reason for the original hearing; they are simply not substantiated.

The second point is that the auditor has indicated in his report—maybe the honourable member has a copy in front of him; I do not, but I recall the words of the auditor being something to this effect: "While I believe that such was the case, in fact there is not proof for that."

There is a clear and strong difference of opinion between the auditor and the members of my staff who were responsible for interviewing and finally hiring Mr Chiesa. That difference of opinion clearly indicates that the five people were all asked in the initial interview process whether or not they were prepared to accede to certain conditions. Four of them either said they could not or would not. It was as simple as that.

As a matter of fact, it is my understanding that two of those four would have been quite acceptable for the position had they been prepared to accede to all of the conditions that were laid down. The conditions were fair and open to everyone—

**The Speaker:** Thank you. Perhaps you could respond in writing.

### TRANSIT SERVICES

**Ms Oddie Munro:** My question is to the Minister of Transportation. The recent cutbacks in Via Rail services announced by the federal government will impact on transportation programs and services in all provinces and particularly so, I believe, in Ontario. One of the ongoing transportation projects of importance to Hamiltonians is GO Transit. Will the minister indicate to what extent the decision on Via Rail will affect Hamilton's plans to bring GO Transit in on schedule?

**Hon Mr Wrye:** Again, we have had an opportunity to meet with a number of the mayors of the affected communities, and some of the cuts which are taking place down in the Niagara Peninsula, while they are not a complete wiping out of services, certainly are very deep indeed.

As the honourable member knows, GO Transit currently operates three trains each way per day, and GO bus services continue all day. There are considerable plans under way and a lot of work under way to implement improved service to Hamilton by GO.

A detailed environmental assessment involving the ministry, GO and the municipalities involved and indeed a public consultation process has been undertaken. Because of that process, though, I cannot give the member an exact date, other than to say that we are moving these matters forward just as quickly as possible because of the volumes generally and particularly because of the Via cutbacks.

**Ms Oddie Munro:** The region and the city of Hamilton feel, however, that they have in place the infrastructure, the community input and the necessary compliances, such as the required environmental assessment, and that they can realistically look at the extension of GO Transit into Hamilton in 1992, somewhat ahead of schedule.

I guess what I am concerned about is that there will be a delay as a direct result of Via's obvious burden on Ontario's transportation services. I wonder if the minister would be willing to look at anticipated dates of the following nature: the starting and completion dates of construction and ancillary services and, finally, joy of all joys, the startup of expanded train service in and out of Hamilton.

**Hon Mr Wrye:** I can say to the honourable member that I believe our timetable, which calls for implementation in 1992 of all-day service extending as far as Burlington, is on track as of now. But we do not have, because of the environmental assessment work, firm dates for Hamilton.

Clearly, any time one gets into this kind of process involving not just the purchase of rolling stock, but often the laying of track, building of stations and that kind of very extensive work, and indeed a process which involves EAs, the timetable is quite elongated, perhaps more so than the honourable member and her constituents would want. But I want to give assurances to her and the people in Hamilton that we will move forward just as quickly as those processes will allow us to bring full GO Transit service into the Hamilton-Wentworth region.

### NONPROFIT HOUSING

**Mr D. S. Cooke:** I have a question for the Minister of Housing. On 6 October 1989 the minister spoke to the annual meeting of the Ontario Non-Profit Housing Association. Delegates to that convention were rather surprised to hear the minister state, and I quote, "The government can't afford to build any more rental homes." The minister went on to suggest that the new philosophy of the Liberal government was



going to be to emphasize home ownership and de-emphasize the nonprofit housing sector.

In view of the fact that the waiting list for assisted housing in this province has gone from 23,000 families requesting help when he first took office to 43,000 families at the end of August 1989, how can the minister possibly justify decreasing the efforts by this government to put nonprofit and co-op housing on stream?

**1500**

**Hon Mr Sweeney:** The words I spoke were slightly different from what the honourable member has suggested. I indicated very clearly that the government had invested substantially in the nonprofit and co-op housing programs across the province since 1985.

The honourable member will be aware of the fact that we have co-operated with the federal government in the allocation of about 6,000 units a year. We have established three different provincial programs: Project 3000, Project 3600 and, most recently, Homes Now, which is 30,000 units.

I indicated to the people at that conference that we were most appreciative of their support in enabling that to happen in the local areas, but that it was a very expensive program and that we could not rely just on that. As a matter of fact, I invited them to participate with me, and in fact I understand that earlier in the day they had discussed the very issue of looking at other ways in which we could deal with the whole question of affordable shelter.

I indicated to them that we were looking more intensely at increasing the possibility for affordable ownership as well—not in place of but as well. I did indicate that the present program was very costly and we could not rely just on that one.

**The Speaker:** Thank you. I do not think the question was for the whole speech.

**Mr D. S. Cooke:** The minister will be aware that groups like the Labour Council Development Foundation up in Richmond Hill have applied for 181 units under the nonprofit housing program. There are applications for 54,000 units that could fill the need for nonprofit and co-op housing across this province if the government had the will to implement it and provide housing.

Can the minister assure this Legislature and the nonprofit and co-op housing groups across this province that when the new fiscal year comes around, the commitment from this government will be at least as substantial as last year, if not more substantial, to make sure that more nonprofit and co-op housing go into the market in Ontario to meet the need?

**Hon Mr Sweeney:** My honourable friend is well aware of the fact that the existing Homes Now program, which is 30,000 units, is intended to be phased in over a three-year period: last year, this year and next year. My friend is also aware of the fact—I am sure he is—that we will continue to participate with our federal colleagues in whatever they choose to allocate to the province of Ontario for this coming year. As he well knows, their allocation has been decreasing over the last three years, from about 6,700 per year to 5,400, I think, and we are looking at probably something less than 5,000 for the coming year. If the member is asking me, are we going to be as involved next year as we are this year, the answer is yes.

#### LONG-TERM CARE

**Mrs Cunningham:** My question is for the Minister of Community and Social Services. On 7 June 1989 his predecessor announced the government's intentions to plan fundamental changes to the long-term care system for the elderly and the disabled, a plan to be expected for early 1990. I wonder if at this time the minister would perhaps update this House on the nature and the progress of the consultative process.

**Hon Mr Beer:** As the honourable member mentions, in June my predecessor did announce a long-term care initiative. Since that time, the assistant deputy ministers in both my ministry and the Ministry of Health have been heading up a task force bringing together proposals around long-term care. Over the course of the summer and the early part of September they met with a number of organizations and individuals who are involved in services dealing with the elderly and the disabled. They are currently putting together a working paper on that.

It is our intention as a government to go forward with this. There will be more consultations around specific items, and it is our hope to be able to start the program in the next fiscal year.

**Mrs Cunningham:** I should advise the minister, and I hope he is already aware, that Partners in Care is not happy with the consultation process. That is a group of care givers who provide support services for over 35,000 seniors in the province, and they expected to be actively involved in the productive consultations. They state that government-sponsored meetings have been strictly information exchanges with neither an organized method of inviting feedback nor parameters for discussion.

They go on. I am sure the minister knows they say, "You cannot draft appropriate legislation

without creative and effective input from the people who are actually providing the services." They are very disturbed.

I do not think the public who are involved and the agencies and the care givers feel they have been consulted properly. For the purpose of the plan that will come out of this, I hope he agrees that there should be some sense of ownership around it. Is the minister prepared to improve upon this consultation process and especially reach out to Partners in Care for some meaningful input?

**Hon Mr Beer:** I think it is in all of our interests to ensure that there is consultation with all of the various groups that are going to be most affected by this whole issue of long-term care. I have made a note of the particular group, and I will certainly go back and see that the concerns of such groups and individuals are going to be brought to bear on the legislation we bring forward.

If this is to work, we are going to have to ensure that this kind of process brings about something that everybody can buy into. That is the intention of the review. I know it is the intention of the people working on the task force, and both the Minister of Health (Mrs Caplan) and myself want to make sure that happens.

#### APPRENTICESHIP TRAINING

**Mr Tatham:** My question is to the Minister of Skills Development. We are having great growth in Ontario, and we need workers to build houses and industrial-commercial endeavours. My question is regarding apprenticeships.

I have had several requests from a plumbing business in Oxford. The man, a journeyman plumber, has one apprentice. He wants to take on another apprentice, but evidently you must have three more journeymen plumbers to do that. Could the minister explain the rationale and the thinking behind this type of requirement?

**Hon Mr Conway:** I thank my honourable friend the member for Oxford for his interest in this very important area of skills development in the province. Yes, there are ratios that are established under the legislation; they set out very clear frameworks on which the apprenticeship training must occur.

At the present moment we have a number of advisory bodies that are looking at these and related matters. We as a government are very sensitive to the need to increase the number of both apprenticeship and apprenticeship opportunities across the economy in this province. The Premier (Mr Peterson) has outlined a number of

specific initiatives in this regard, which the House has the opportunity to debate on other occasions.

The ratio matter to which the honourable member directs his attention is a function of the legislation. The provincial advisory groups that advise on these matters are looking at ways and means of trying to address the concern of the honourable member's question.

**Mr Tatham:** Apprenticeship programs have been part of the Ontario scene for over 60 years now. What is his ministry going to do to prepare programs for the 1990s and beyond? What are we going to do to get on with it?

**Mr D. S. Cooke:** Talk, talk, talk. That's all it is.

**Hon Mr Conway:** The member for Windsor-Riverside says, "Talk, talk, talk." Quite to the contrary, this government has recognized that action is required, and we have established a variety of new programs to encourage, for example, more women in the skilled trades including apprenticeships.

This fall, we as a government are developing and implementing apprenticeship programs in the high schools, which I think is an absolutely critical and positive step. We as a government are looking at ways and means of increasing the number of apprenticeships programs where the government plays a lead role as an employer.

We have a number of these and other initiatives. I am delighted to see, for example, that Local 27 of the carpenters' union has just recently implemented a unique program to train 20 female apprentices.

**Mr D. S. Cooke:** I never thought you would go to briefing notes.

**Hon Mr Conway:** Well, I just want to say that some very exciting things are happening.

Yes, more needs to be done, and we as a government are going to look, not just to government but labour, business and others in the community, to assist in meeting this very important demand within the economy.

1510

#### RACE RELATIONS

**Mr Philip:** I have a question for the Minister of Citizenship. Section 27 of the Ontario Human Rights Code requires the government to designate at least three members of the Ontario Human Rights Commission to constitute a race relations division of the commission and to select a commissioner of race relations.



I wonder if the minister can name the three members of the human rights commission who have been chosen, as required, by this act, or even if he can name the present commissioner of race relations, as required under section 27 of this act.

**Hon Mr Wong:** As the honourable member probably knows, recently the race relations division of the OHRC was transferred to the Ministry of Citizenship, where it could exercise a more useful, effective and powerful influence. Nevertheless, I understand what the honourable member is saying about section 27 and this is one of the matters I will be discussing with the new chief commissioner when I meet with her in the very near future.

**Mr Philip:** What the minister is saying is that he has transferred a matter that is set out by statute, without any kind of authority of the House, into a public service position. I ask the minister, how can he justify violating section 27 of his act without coming to the Legislature for permission to do so?

**Hon Mr Wong:** I do not think it is fair to say I have, or that we have, violated the spirit of the act. Let me say that the most important thing here is that we have strong protection of human rights in this province. The Ontario Human Rights Commission has that responsibility and, as I just explained, the division, the race relations directorate, which is now within the ministry, can be more effective under this structure.

#### AGRICULTURAL LAND

**Mr Villeneuve:** In the absence of the Minister of Agriculture and Food (Mr Ramsay) I will put this question to the Minister of Municipal Affairs and Housing. A month ago the minister stated that the issue about agricultural land is: "It is not, is the land going to be developed or not? It is a matter of when is it going to be developed." Is the minister aware of the draft Ontario food land preservation policy statement and what a statement like that from the Minister of Housing might mean to that draft policy?

**Hon Mr Sweeney:** My honourable friend is perhaps aware of the fact there is a new cabinet committee on housing and community development and that the Minister of Agriculture and Food, along with the Minister of the Environment (Mr Bradley), the Minister of Transportation (Mr Wrye), the Minister of Natural Resources (Mrs McLeod) and myself all jointly participate in the very kinds of decisions the member is talking about.

There is nothing at all to suggest that we are not aware of and continuing to be in support of the need for agricultural land and the agricultural guidelines of this province. What we are clearly saying, though, is that there is a need to review and to clearly identify what it is we want to protect, where and how we are going to do it.

In the area north of York region, we are looking at a number of municipalities that are concerned about farm land being gobbled up and we are helping them to restructure themselves municipally so, in fact, that will not happen.

**Mr Villeneuve:** While we have, in areas away from Metropolitan Toronto, many areas of marginal farm land just begging to be developed, begging to have the green light from many of the officials in different ministries, would the minister not consider that these areas should be developed, prior to going at some of our very good farm land in the immediate greater Toronto area?

**Hon Mr Sweeney:** I would certainly agree, if there is land available in reasonable proximity, and if there are reasonable services available close to that land that is of a fourth or fifth quality, then by all means, that is what should be selected. But the honourable member will be well aware of the fact that other factors have to be considered. What are the transportation patterns? What is the opportunity for sewage and water? What is the opportunity for social services like schools, hospitals and things of that nature? All of those have to be factored in as well.

Even when we talked to members of the agricultural community, they are the first to realize that it is not just the land but a whole series of other things, but where we have the choice to do both at the same time, obviously we are going to recommend that land of lesser quality be used first.

#### PASSENGER RAIL SERVICES

**Mrs Stoner:** My question is to the Minister of Transportation. The recent announcements by Mr Bouchard, our federal Minister of Transport, that he intends to cut the Via Rail train lines to the Peterborough-Havelock area on 15 January has caused a great deal of concern and consternation in my community. A lot of people use that line and commute on it on a daily basis. In advance of that announcement and since that announcement, there has been a great deal of press speculation about just exactly what involvement the province of Ontario is going to have with respect to this announcement on the Havelock-Peterborough

line. Can the minister bring us up to date on that situation?

**Hon Mr Wrye:** I can understand the concern that the honourable member has, and I think that is generally shared in parts of eastern Ontario by members, perhaps from all parties, because there has been particularly, and really only in that area around the affected corridors, the kind of discussion that perhaps the province would be stepping in and that perhaps there were negotiations under way.

As recently as last Thursday in the press in Durham and in the Peterborough area, there were reports that there were secret negotiations under way to take over the Havelock line. Those reports came from Ottawa, and some of the discussions came from the local members and quoted those members as saying these negotiations were under way. I want to say categorically to the honourable members of all parties from that area that there are no negotiations now under way, there were none and none are planned.

We have indicated to the office of the Minister of Transport our concern over the fact that such reports would continue to go forward. There are no negotiations. This is a federal responsibility, and I hope the people in that area of Ontario will be successful in persuading Mr Bouchard to reverse his decision.

**Mrs Stoner:** I appreciate the clarity of the minister's statement, and I am sure my constituents do as well. The other question I have for the minister as a supplementary is that I understand he met with the mayors of the affected municipalities last week. Could he share with the House the discussion he had with mayors?

**Hon Mr Wrye:** We met again with another group of mayors of affected municipalities, so we have now had two meetings, and I think very positive discussions. We have offered to those mayors our expert advice and we have offered money as they put together briefs to go forward to the federal committee and to the federal Minister of Transport. We have asked them for their advice as to where we can help. It is currently my plan to get in touch with Mr Bouchard in the not-too-distant future and arrange a follow-up meeting. I felt there was a period of time needed after the discussions which we had with him prior to his announcement, to let some of this begin to take hold.

I can say that the mood of the mayors, who have been meeting over the last week or so, is hardening into a position of working very hard and working very co-operatively together. We are quite willing to help to attempt to reverse this

decision. There is, I think, much greater vision among the municipalities that I have been involved with in the last couple of weeks as to what we need for a balanced transportation system than there has been in Ottawa for a very long time. I hope the very sensible position that the mayors have placed before me will convince Ottawa to reverse its stand.

#### DEINSTITUTIONALIZATION

**Mr Allen:** A question to the Minister of Community and Social Services: A spokesman for the minister has recently told the media that there is no crisis in community care for the developmentally handicapped. Has the minister not heard that in Hamilton there are 200 people on a waiting list for community living spaces in our city; that there would be 200 more on it except that the persons in charge of the list have closed it off because it would give them false hopes to put them on the list; that one of the people who was recently placed had been on that list for 11 years, and that last year there were only six new community living spaces created in Hamilton?

Does he not know that in Toronto there are 900 on waiting lists, and in the last two years only 67 new spaces were created for those people, and that there is an agency embargo in Toronto on expansion of services to those people because of the unavailability of staff? Would the minister kindly tell me, how does he define a crisis in this sector if this is not a crisis?

1520

**Hon Mr Beer:** We are very aware of the situation with respect to the housing for the disabled around this issue and I think that, while we recognize that there is a great deal that we are still working on and needs to be done, it is important to recognize that over the last three years in the province we have been able to increase the number of spaces by some 25 per cent.

We recognize that even with that there are still needs in the community. Through our multi-year plan we are trying to address that, to find other dollars that we can get into particularly the highest areas of need, and certainly Metropolitan Toronto and large urban centres are among those.

I can assure the honourable member that we take this very, very seriously and are going to do as much as we possibly can in working with the various community groups to provide more housing and accommodation.

**Mr Allen:** It is going to take a lot of action at that end to overcome those kinds of backlogs. At



the same time, what is particularly distressing about this situation is that there is a promise that his predecessor made to those who remained in institutions to create a more home-like setting in those institutions which I think is not being lived up to.

For example, in the Muskoka Centre, small cottage units are being closed and people are folded into ward situations. At the Rideau Regional Centre, two wards are being closed off at this point in time, funding withdrawn, with no placements available, with consequent expansion of numbers in the wards themselves and declining staff ratios. In fact, half of the persons in that centre do not receive regular day programs.

The minister has a crisis situation in the community and it is a deteriorating situation in the institutions. Does this not call for some—

**The Speaker:** That seems like a—

**Hon Mr Beer:** I believe we are recognizing the nature of the situation and working both with the facilities that come under the ministry in terms of Rideau, Muskoka and others, as well as trying to find the appropriate placements. The member is quite right that my predecessor noted that it was our goal to move people out of institutions and into community settings. We want to be sure that we do that when we have those community settings available and can provide the kind of support that people want.

In terms of the institutions, specifically with regard to Rideau, again there we are not going to move people willy-nilly out of that institution until we have the places, not necessarily in that immediate area but in the communities from which those people have come.

This is a multi-year program. I think we have seen that each year we have been able to move more out and that is going to continue to be our goal until we have been able to get all of those who are able to be outside of institutions into appropriate community settings.

#### CHAIRMAN OF ONTARIO PLACE CORP

**Mr McLean:** I thought it was about time the Minister of Tourism and Recreation had a question so I will make it an easy one. Who is the chairperson of Ontario Place and what is his or her salary?

**Hon Mr Black:** The chairman of Ontario Place is Clare Copeland and we will be addressing the question of his salary in communication with the member at some future date.

**Mr McLean:** Does the minister plan in the near future to appoint a full-time person to

Ontario Place? If so, when does he plan on having an appointment and, in looking at the situation, as we do here, will it be a nonpolitical appointment or will it be a political appointment?

**Hon Mr Black:** The member for Simcoe East would be well aware of the fact that when this government makes appointments, it does so on the basis of merit, unlike some previous governments in this province. He would want me to tell him that any appointments that are made within my ministry or within other ministries of the government will be based on merit and ensuring that there are capable people providing leadership.

#### ALTERNATIVE FUELS

**Mr Wildman:** I have a question for the Ministry of Energy. Could the Minister of Energy indicate when this government intends to institute a program to encourage the use of ethanol fuel as an octane agent in order to lower emissions of unburned hydrocarbons, nitrogen, oxides and carbon monoxide in vehicles in this province, as a way of lowering ground-level ozone and smog? When does she intend to make the announcement and how much funding is she going to put into the program?

**Hon Mrs McLeod:** I would be delighted to respond to the honourable member's question in a somewhat more general way since I cannot give him an indication of when there would be such a specific announcement or program funding in place. We certainly do have a very active program of looking at alternative fuels and encouraging their use.

I can also tell him that is an ongoing program which involves considerable research and also work with the private and public transportation sectors. I can also tell the honourable member that we are extremely concerned about the whole issue of emissions from energy fuels and what we can do to ensure that we reduce those emissions to as great an extent as possible. He will know that we most recently had a conference of energy ministers of Canada at which we looked at CO<sub>2</sub> emissions, which are of very real concern.

We have subsequently in Ontario held a meeting of stakeholders who are involved in energy use to look at how we can, in fact, bring about a reduction of emissions.

#### PETITIONS

##### FRENCH-LANGUAGE SERVICES

**Mr Adams:** I have a petition from citizens of the Peterborough area concerning Bill 8. It addresses the way in which the bill was enacted

and implemented and it implies that the bill makes the province officially bilingual. I present this petition because it is properly addressed and because I believe that my constituents have the right to petition the Parliament of Ontario. However, I sign this petition only because I am required to do so under the standing orders. I do not agree with the intent of the petition and I find its wording misleading.

### WASTE DISPOSAL

**Mr Wildman:** I have a petition which I can agree with. It is in the old form but, again, it was circulated in good faith and it is important. It is signed by 50 seasonal and permanent residents of Havilland Bay, north of Sault Ste Marie. They are petitioning the Ontario government to allocate the necessary funds to allow for extension of the present hours of operation of the Havilland waste disposal site during the summer season to include Sunday to accommodate both cottagers and permanent residents.

### FRENCH-LANGUAGE SERVICES

**Mr Epp:** I have a petition signed by 20 people, four of whom do not live in my riding, and it is in regard to Bill 8 and it asks that English be the only official language of this province and it has some other features with which I do not agree either. So I would be glad to submit this particular petition, but as one of the former members indicated, I do not agree with the intent or the wording of this petition either.

**The Speaker:** But the member has signed it?

**Mr Epp:** Yes.

1530

### ORDERS OF THE DAY

#### EMPLOYER HEALTH TAX ACT, 1989

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 47/An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

**The Speaker:** I believe the member for Cochrane South adjourned the debate. The member may wish to continue now.

**Mr Pope:** I believe when we left off yesterday we were in the midst of a full-blown riot that the Speaker was joyfully allowing to continue and build up steam, but I thought I would, by way of windup, just deal with a few of the more important issues that we think should be taken

into consideration by the Minister of Revenue (Mr Mancini), and more importantly by the government as a whole, with respect to policy as it is reflected in this bill.

Of course, Ontario is not the only province that is implementing or is about to implement a health care payroll tax. We are aware that Manitoba and Quebec use a payroll tax to partially fund their health care services. The last two Manitoba budgets have, however—I think this is interesting to note—gone a long way towards dismantling the payroll tax system imposed in the province in 1982, so they are going the other way. I say that because in 1989 the Manitoba budget doubled the payroll tax exemption level. I am not talking about the lower rate, but it doubled the tax exemption level from \$300,000 to \$600,000 and it reduced the tax rate on payrolls between \$600,000 and \$1.2 million. We had an increase in the exemption level and we had a reduction in the payroll tax level in the last 1989 Manitoba budget.

As a result of the 1989 Manitoba budget measures—I think these numbers should be put on the record as well—of the 43,000 employers in the province on the payroll tax rolls, only 2,500 will be paying tax under the new system introduced by the Manitoba government in its past budget. Of those, 880 will pay tax at a lower rate and in general the rate will drop from the prebudget level of 2.25 per cent to 1.12 per cent or 1.8 per cent, depending on the value of the payroll.

Only 1,620 or 3.8 per cent of all Manitoba employers will continue to pay the full rate of 2.25 per cent. A firm with an annual payroll of \$600,000—that generally is 20 employees or under—will save \$13,500 in taxes as a result of the doubling of the exemption. The province will lose—this has to be a consideration put on the record—\$3.8 million in the current fiscal year and an estimated \$23.6 million in the full fiscal year.

We are of course aware that Quebec introduced a business surtax in May 1986 to offset the reduction in federal transfers for health and post-secondary education services. As part of the surtax program, Quebec imposes a tax on wages paid by employers which it treats as employer contributions to the health services fund. The Quebec tax is set at a flat rate, has no exemptions and is applied to corporations, co-operatives, unincorporated businesses and the broadly defined public sector at all levels.

The 1989 Quebec budget increased the tax rate from 3.22 per cent to 3.36 per cent, applied to all wages paid or deemed paid after the day of the budget speech. This increase in Quebec would



raise an additional \$107 million for the government in a full fiscal year. In spite of the 3.36 per cent Quebec payroll tax, however, the business tax gap between Quebec and Ontario as a result of budget measures over the past year has shrunk from 9.6 per cent in 1985 to 1.8 per cent in 1989. The reason I bring that to the attention of the minister and the government is because, as I referred to yesterday, Quebec is now parading its tax competitiveness vis-à-vis Ontario publicly and openly in order to attract investment dollars, industry and jobs to that province.

There is no doubt that the most controversial feature of this piece of legislation is its impact on small business. I dealt with it a bit yesterday, but I have some numbers I would like to share with the minister and his officials today.

But first, in terms of the way this has been handled vis-à-vis the small business sector, we have to voice our opposition to the way this has proceeded. In 1985—in fact, it was on 2 April 1985—the member for London Centre (Mr Peterson), in his capacity as leader of his party, indicated a small business policy that he would implement were he elected. For instance, in 1985 we had a promise to establish a \$100 million employment tax credit plan for small businesses that would reimburse companies for a significant portion of the salary costs of a new worker. My recollection is that the program would have covered 25 per cent of the cost of hiring a new employee.

This employment tax credit program was never implemented. In fact, the employer health tax program will actually increase the cost of hiring new employees. So instead of providing small business with a \$100-million tax break, this current administration will actually increase the payroll tax burden on small firms by about \$170 million annually.

It was also part of that statement dated 2 April 1985—I have the statement itself here—that there was a commitment by the then Liberal leader and now Premier (Mr Peterson) of the province to require public disclosure of a small business impact statement with any regulatory or tax changes. That was a commitment made in 1985.

We have attempted to ascertain through Treasury, through officials with the Ministry of Revenue and through officials with the small business advocacy section of the small business division at the Ministry of Industry, Trade and Technology whether or not this impact statement exists. We have been told by all sources that in fact no financial impact analysis was done of the

impact on small business, or of the impact generally of these tax measures.

Therefore, we believe the process that has been entered into by this administration with respect to this payroll tax is contrary to the commitments that were made by the Liberal Party of Ontario in 1985, and contrary, we believe, to sound policy development in the evolution of tax programs and economic policies in Ontario.

We believe that as a matter of course, and certainly when we were the government we did this, any new policy initiative, any new statutory initiative, when it is presented to the Policies and Priorities Board of Cabinet and when it is presented to the cabinet generally, should be accompanied by an economic impact statement.

That economic impact statement should take the proposal and analyse its impact, not only on government expenditures but also on the private sector. Clearly this was not done in this case and it should have been done in, of all matters, this payroll tax, a scheme that has been presented by the government of Ontario through the Minister of Revenue.

I say it should have been done because not only is it normal, good management of government and the issues that face government on a day-to-day basis, but also, I think, in making these decisions in the Legislature we should have the opportunity to examine these financial and economic impact statements. They should be part of the information base upon which we make an informed judgement on the value and worth of the proposals.

There is no doubt that the Ministry of Industry, Trade and Technology is growing ever increasingly concerned with the impact of the tax policies of its own government on small business in Ontario. In 1988, the Ministry of Industry, Trade and Technology did an analysis. It was entitled *The State of Small Business, 1988*. I want to draw the attention of the minister to the table that appears in that report on page 49; it is table 3.6.

In there is an analysis of the small business payroll taxes in dollars per employee in Ontario between 1981 and 1988. We see that in 1981, the employers were paying deductions or taking payroll taxes that totalled \$904 annually per employee, and that by 1988 that had grown to \$1,871, an increase of 106.9 per cent in payroll taxes, in dollars per employee paid by the small business sector in this province.

Now we have, in addition to that, another payroll tax to add to that burden and clearly it will

add a payroll tax burden on Ontario's small business sector.

#### 1540

Just examine the impact of a 106.9 per cent increase in payroll taxes per employee paid per year, add on top of it the additional budgetary measures contained in the 1989 budget submitted by our Treasurer on behalf of the Liberal administration in Ontario, and we can begin to get a sense of the crushing impact of these additional taxes after taxes, new taxes and tax increases on the business community in Ontario.

That is why the Canadian Manufacturers' Association, the Canadian Federation of Independent Business, small business advocates and chambers of commerce have begun a constant cry that these policies, deliberately entered into by the government of Ontario, are having a negative impact on the ability of businessmen to carry on business in Ontario, are having a negative impact on investment decision-making that we will all pay the price for down the line, and are having a crushing impact on employees who look at the net paycheque they take home and see, as many people across the province are seeing, that over half of their paycheque—and in most instances, regardless of their position or their wages, over half of any wage increase they receive from their employer—goes to the federal and provincial governments in direct deductions on various tax measures.

Clearly, we cannot afford to continue this slow but steady eroding of the spending power of working men and women in this province. We cannot continue this steady pace towards rendering our small business sector uncompetitive and unprepared to face the challenges it they will face in the future.

The equivalence is not there. With these tax increases in the 1989 budget, we are paying more taxes than ever before in this province, even if you roll in the fact that OHIP premiums are no longer being paid. The net effect of tax measures introduced in the last budget is that we pay more. People have had it with paying more. They have had it with taking a wage increase and receiving 45 per cent of it in their pockets and the rest going to the governments. They have had it with the lack of accountability and inability of governments to answer basic questions about why this has been allowed to happen to them in their daily lives. The Treasurer certainly has not stepped forward to give those kinds of explanations we require.

The Treasurer may state, as he is wont to do on some occasions, that the tax will not be a serious

impediment to the competitiveness of Ontario's small business, in that the minimum wage rate—the employer will pay less than five cents an hour in tax under the employer health tax system. It should be noted that a Ministry of Industry, Trade and Technology survey found that of Ontario's very small firms, those with fewer than nine employees, only 6.8 per cent had employees or some employees paid at the minimum wage rate.

I think it is important, in view of some of the comments that have been made by the members of the other opposition party when they talked about the graduated tax scale favouring small business, businesses of \$200,000 or less in annual payroll, that they equated it with the minimum wage and gouging the workers of this province. In fact, the Ministry of Industry, Trade and Technology's own study showed that only 6.8 per cent of small businesses pay the minimum wage to their employees or some of them.

The rest of the small business sector, according to these studies, pay much more than the minimum wage and are not gougers. They are not trying to benefit by the minimum wage provisions and are not getting an undue advantage in the \$200,000 cutoff in the lower tax rate in the employer health tax system. If the Minister of Revenue were on his feet, I think he would make exactly the same point in defence of the small business community.

There is no doubt, when all is said and done, that this payroll tax that is now being proposed will, by the government's own studies, have a detrimental effect on small business. I want to quote from page 48 of *The State of Small Business, 1988*, published by the Ministry of Industry, Trade and Technology:

"The burden of payroll tax affects all businesses, large and small. However, the effect upon small businesses is especially critical as it places a greater burden upon the segment of employers which creates the greatest number of new jobs each year. A policy which makes job creation more difficult increases the proportional burden of payroll taxes upon remaining jobs."

Those are not my words. That is contained in a report produced by the Ministry of Industry, Trade and Technology itself.

Again, in a document entitled *Small Business Payroll Taxes, 1986*, a report by the small business advocacy office, published by the Ministry of Industry, Trade and Technology: "Average payroll tax increases of 11.1 per cent over the last five years are already a serious



concern to small businesses. Rising payroll taxes threaten to deter small firms from hiring and impair job creation."

That is not my alarmist statement being made as a member of an opposition party in this assembly. That is a statement made by the Ministry of Industry, Trade and Technology itself, a part of the government of Ontario.

From the Small Business Payroll Taxes, 1986: "A new payroll tax would deter small firms from hiring and impair job creation. The study advises against the imposition of a wholly employer-paid payroll tax."

In spite of these reports and these recommendations in 1986, 1987 and 1988, we have the government proceeding nevertheless with another payroll tax.

There is no doubt that the Canadian Federation of Independent Business has made its thoughts well known. Mr Bulloch called the new payroll tax part of the overall mugging of the economy by governments and a "vicious attack on jobs."

I have just tried to give some of our perspective on the impact of this tax on individual working men and women in this province who are having to meet the expenses of their daily lives with what is left of their paycheques after the governments take over half of it away. I have tried to deal with the impact on federal-provincial relations with unilateral actions being taken to siphon off dollars or to tax one level of government at the expense of the other or to the benefit of the other.

I have tried to indicate the impact on the business community generally and its impact on the competitiveness of Ontario industry vis-à-vis other jurisdictions on this continent. I have particularly tried to point the government towards the impact on small business, which its own ministries have drawn to its attention for three successive years.

There is no doubt there will be a significant impact on municipalities and many other public institutions in this province from the payroll tax requirements. The Association of Municipalities of Ontario, for one, has brought this information to the attention of the Minister of Revenue, the Treasurer and the government of Ontario.

In spite of all this, in spite of all these opinions and all this information that has been made available to the Treasurer, he decided in his wisdom to proceed in any event. It will have a negative impact on our province, and most of all, it is just another additional tax that is robbing working men and women of their economic vitality, which is making it harder for them to live

in comfort and in a way they have a right to expect in this great province of Ontario.

### 1550

There are other tax measures that are particularly selecting the great region of Metropolitan Toronto for cruel and unusual taxes in addition to all of these taxes. We think this government is going the wrong way with \$1.3 billion of tax increases for the second straight year. We believe these tax increases are unnecessary, and we do not believe it is a matter of paying down the deficit. We think this money is not being well spent, and the essentials that we have a right to expect from our government in fact are deteriorating.

So we are not happy with the priorities and economic policies of this government; and as they are reflected in this bill, we cannot support this legislation.

Mr Speaker, thank you, as always, for your deference and respect towards me.

**The Deputy Speaker:** Thank you.

**Mr Philip:** I appreciate an opportunity to speak on this bill, because basically I think that a new government, if it is introducing taxes, should introduce taxes which are fair. A new government that says it wants to start with a new sweep with reforms surely has an onus on it, that when it introduces legislation, particularly tax legislation, it introduces legislation which is based on trying to create a fairer system and trying to create a system that actually is thought out well enough to know exactly what the impact will be.

Basically, my opposition to this bill is that it is one that has within it a basic unfairness. It means that higher-income people will pay no tax whatsoever while someone earning very little will pay substantially. So we have the situation, as my colleague the member for Cochrane South (Mr Pope) pointed out yesterday, where you can have a lawyer with a very lucrative practice paying absolutely no premium or no tax whatsoever under this bill while a paralegal professional working for a legal aid clinic earning a quarter of the income will end up being taxed for this health system.

One would assume that the lawyer, doctor, dentist or the very highly paid professionals would have the same recourse to the use of the health services as do the paralegal or the person working for the minimum wage in McDonald's, yet one will be able to escape under this bill from any kind of payment whereas the other basically ends up having it taken off at the employer level but inevitably out of his salary because there is

only so much money that is available for the payroll.

The Ontario Real Estate Association correctly, I believe, pointed out in its submission on Bill 47 that, "Bill 47 will cost the employers millions of dollars over and above any OHIP premiums that they may now pay as employee benefits." That association stated: "We do not believe this increase will be absorbed by the business community. Rather, it will be passed on to consumers in the form of higher prices for goods and services and passed back to employees in the form of lower wage increases in the future." That is a fairly astute criticism, and it is an admission by the business community that it is not the business community that is going to pay for this; it inevitably is going to be the employee.

If one looks at the criticisms that the federal Liberal Party is making in the House of Commons in Ottawa regarding Michael Wilson's new tax, basically they are arguing the same thing. They are saying that in the long run it is the employee and the wage earner and, more particularly, the consumer who is going to pay. Thus, while the Liberals condemn Michael Wilson for the goods and services tax and point out the effect on the consumer, they in fact are engaged in the same kind of exercise at a provincial level.

This tax is basically unfair because it hits some industries harder than others regardless of the profitability of that industry. In the riding I represent, many of the people are employed in the hotel industry and also in the transportation industries. Both of these are labour intensive and therefore more directly affected by this tax than other more profitable industries which are less labour intensive.

This comes at a time when the transportation industries have been experiencing great turmoil. Some of that turmoil has been created by free trade. Some of it has been created by the deregulation introduced by this Liberal government and by the federal Progressive Conservative government in Ottawa. This tax is just one extra kick at an industry that is undergoing some considerable transition problems.

The hotel industry is receiving a double whammy from this government. Members will probably recall my concern when the content of Bill 46, which we will be debating later, was initially announced; at the massive expense that bill will be to the hotel industry and the number of jobs lost in that industry from Burlington on the west to the Oshawa border on the east.

The service sector has been the largest job generator in this decade. It contributes just over 60 per cent of the total Canadian economic output, but it employs 70 per cent of the workers. It is the one that is going to be heavily affected. What we have, thanks to this tax, is the unconscionable situation in which we can have a highly automated factory, a manufacturing company, right next door to a service industry; the manufacturing company could show huge profits and yet pay very little under this tax, while the service industry could actually be showing a loss and be paying very highly.

Bill 47 says that it does not matter whether you are making money. As an industry or as a small businessman, you are going to pay this tax anyway, depending on whether you have a certain number of employees. The more employees, the more jobs you are able to create, the more you are going to pay.

It would seem to me that at a time when the economists are saying—and there is some disagreement, but a lot of the economists are saying there may be some shakedown in the market—at a time when they are saying we are well on the verge of the heat-up stage, as a prelude to a possible recession, a regression, it does not make sense to attack the industries that stand the most chance of creating jobs. That simply does not make any sense whatsoever to me. And yet that is what that bill does. It says that if you automate, if you can lay off as many employees as you can, if you can do without people, then you are going to pay less tax than if you create jobs, because then we are going to hit you with an extra tax and with the bureaucracy and the extra costs of this extra tax.

It also says, and I think this is important as we start seeing the effects of free trade and the American influence and their less than adequate labour law situation in the United States, where employers who pay the lowest possible wages get rewarded under this tax by paying less for health services than those who pay higher wages—one has to ask: Are the employees working for \$5.50 or \$6 an hour less subject to the use of the health facilities of this province than are the ones who are being paid \$12, \$14 or \$18 an hour? If we believe many of the sociological studies, we know that the contrary is true, that the more lowly paid an employee is, the more likely he or she is to need the services of various kinds of health services, because poverty has an effect on one's health, and indeed on one's longevity.



I am voting against this because I have never in my 14 years in this House favoured regressive taxes. I have always believed that those who earn the most should pay the most, that corporations that earn the most should pay the most. That is the basis, I think, to most people in an enlightened, civilized society, who believe that the tax system should work. Maybe Michael Wilson does not believe that, maybe the Treasurer (Mr R. F. Nixon) does not believe that, but certainly the Liberals in opposition preached that taxes should be simple and fair.

What we have under this Liberal government is a series of taxes that is creating layer after layer of bureaucracy and complicating what should be a simple tax system, a simple process of saying: "Let's figure out a formula of how much money we need. Let's figure out what percentage the people at the very top should pay, and then let's work our way down so that the people at the bottom pay less." That holds true of corporations; that holds true of individuals. This tax goes in exactly the opposite direction. It does not discriminate between those who are capable of paying and those who are less capable of paying. What this bill does is a replacement of revenue from the abolition of premiums, but surely if the government is going to do that, and it is an election promise, then it should replace it with a progressive tax system. It is possible to do that. Other countries do it. We even pay lipservice to doing it in Canada.

What this really does, too, is that it is one more addition to the process this Liberal government has done in several other tax schemes, namely, of transferring to the municipalities, to the voluntary organizations, to the colleges and universities, to all of those groups out there, extra taxes, and creating extra revenue for the central government. Let me give members a very concrete example of that. I asked Suzanne Hall, who is a trustee for the area I live in, with the Etobicoke board, what she would estimate that this tax would mean in Metro and in Etobicoke. She gave me the following figures. This is from trustee Hall in Etobicoke. She says the increase for Metro for the provincial payroll tax, otherwise known as the OHIP tax, was a \$13.4-million increase over what we are actually paying now. In other words, what they have done is deducted whatever premiums they are paying and they have calculated what their extra costs will be as a result of this tax. For Etobicoke it will be approximately \$1.4 million.

We have seen other schemes by this Liberal government that are increasing property taxes.

We have seen how they have been cutting back on transfer payments, how they have been cutting back on road payments, how the municipality is ending up paying for the security of the court system, which one had always assumed, under every government since Confederation in this province, was the responsibility of the central government. All of these end up simply being passed on to the home owner through property taxes and to the apartment dweller or the tenant through the taxes on the landlord. Even the Liberals would have to admit that the most regressive form of taxation is property taxes.

It does not discriminate against the widow who manages to have a home that she and her husband have paid for over the years and worked hard for and that may be worth, now, a couple of hundred thousand dollars, but who has very little income or very limited income; or the person who has a great deal of income. It basically penalizes in many cases the very people that this government says it is trying to assist.

I pointed out that big employers will likely pass this on through to its customers and consumers. Therefore, this tax can only be seen as inflationary.

The Canadian Federation of Independent Business has pointed this out in its comments on the tax. Small business may not be able to pass it through in a competitive situation as easily as large businesses that may have more of a monopoly on the market. So the small businessman will be directly impacted.

Employers who have been paying full OHIP premiums for employees get a benefit which may be completely offset by the cost of the tax. Those who did not pay employees' premiums will simply have additional taxes added on.

The incidence on employees will be inequitable. Those who paid full premiums will have a substantial saving of \$714 a year. Those whose premiums will be paid by their employer will no longer receive a taxable benefit and therefore have a reduction in taxable income.

However, if we look at what the Treasurer has done in his personal income tax increases, any gains that any employee, however few they may be, will be offset by the increase in the income tax. So the few people who think they are gaining something through this will have it given with one hand and removed with the other, but in fact the majority of people, including those least able to pay, are going to be the ones who are hit by this tax.

I think we have to see this tax grab not just as an individual tax discriminating against compa-

nies that are least able to pay, discriminating against individuals who are in lower incomes as distinct from professionals who, like the Speaker, as a lawyer can get away without paying this at all—although of course he will pay it as long as he is a member of the Legislature—but also you have to see this as part of the overall system of taxation which has been initiated by David Peterson's Liberals.

Mr Speaker, you will be aware, knowing the area from which you come, that the Liberals have been concerned about what they called the treasury of the federal government's nine per cent goods and services tax. But when it comes to raising taxes, the Premier can teach Brian Mulroney a thing or two.

**Mr Pouliot:** Or three.

**Mr Philip:** Or three, as my colleague points out.

In the first place, the Ontario Liberals added additional tax to residents and businesses in the Metropolitan Toronto and general area which other residents in Ontario will not be required to pay; we are going to be dealing with that in a few minutes, I understand, when we come to Bill 46. I think this form of economic apartheid is both offensive and unjust, and I will have a lot more to say about it when we come to that bill.

In addition to that, Ontario has proved to be a high-tax government for low- and middle-income families. Compared to just four years ago, the average family in Ontario will pay \$400 more in higher sales tax. That is just in higher sales tax, which, along with property tax, is the most reactionary form of taxation you can possibly come up with. That is thanks to the Premier's government.

What kind of tax is more unfair than that which is taken from people who are buying the necessities of life? That is what sales tax is all about. Sales tax hits low- and middle-income earners the hardest, because it is based simply on how much you have to buy, not on how much income you have.

For the Premier and the Liberals in Ottawa to attack the federal Conservatives and Michael Wilson can only be seen as sheer hypocrisy. They should look at what they are doing here in Ontario and see that they are part of the same scheme.

**1610**

The Liberals have also introduced in this bill, the Employer Health Tax Act, what they claim is a way of eliminating OHIP premiums. But one has to ask, is there not a fairer way of doing that? In the prebudget statement of my colleague the

member for Nickel Belt (Mr Laughren), we showed a number of ways that taxes could be obtained in a fairer way, a way which would be based on ability to pay, not on the way in which this tax hits everyone, particularly the middle- and lower-income people.

The new employer tax places a special levy on each person who is hired by a company. That strikes me as blatantly absurd. Why should a company that is creating jobs be punished? Here we have the Ministry of Industry, Trade and Technology on one side scurrying around, and I get these bulletins from the minister saying, "You will be happy to know that the government has decided to sponsor Mr So-and-so, who lives in your riding or who has a business in your riding, to attend a trade fair somewhere."

**An hon member:** In Durham East.

**Mr Philip:** In Durham East or in Hong Kong or somewhere. They send this individual, at great expense to the taxpayer, in the hope that he is going to get more business and, in getting more business for his company, also create jobs. So while we are spending money out of one ministry to supposedly encourage businesses to create jobs, to find new contracts, the Treasurer comes along and says, "But if you create new jobs, we are going to sock it to you, and the more new jobs you create, the more we are going to sock it to you."

If you decide, being an ambitious company, a company that shows some creativity, you are going to move into a fast-expansion stage, you are penalized. Whereas if you are a more conservative company—I hope the members will forgive the word, it is not meant in a pejorative sense—and wish not to take a chance, not to expand as quickly, then you do not end up with this kind of tax.

This is a reactionary tax. The government's own figures say that the sales tax will raise more than \$8.5 billion this year, an increase of more than 70 per cent from when David Peterson took office. The next time the people who may be watching this debate hear a Liberal say on TV or at a meeting that the federal government is taxing them to death or that they should have a protest and march up and down in front of Michael Wilson's constituency office, they had better make a side trip to Queen's Park and march up and down in front of the Liberals, because they are doing the identical thing. That is what this bill is doing. It is a reactionary bill. It hits those least able to pay. It hits small business and other businesses that show initiative and are trying to



create jobs. It is a bill that does not deserve the support of this House.

**Ms Bryden:** I would like to comment on the additional facts the member for Etobicoke-Rexdale (Mr Philip) has brought to the House. There are so many facets to this bill that are objectionable. Members should be well aware how many of them will be producing bad economic effects on our economy and will be bringing in discriminatory legislation because the incidence of the tax has not been worked out fully, but we know that a great deal of it will be shifted.

I think his speech, along with some of the others from this side of the House, indicates there is a real need for a delay in implementing an unknown tax of this sort. The government should really go back to the drawing board and try to find alternative methods of taxation that are more progressive, so that we do not end up with a tax system that is becoming very regressive.

That does not fit in with the proposals of the Liberal Party when it came to power. They said we were going to get a progressive tax system, but taxes like this employer health tax are moving us further and further away from such a progressive tax system. I think we should be well aware of that when we are voting on this tax. We should not go jumping into a new method of taxation when we do not really know what its implications are.

**Hon Mr Mancini:** I would like to take about five minutes to wrap up the second reading debate here in the Legislature before we go to committee.

I want to remind all honourable members that many Ontarians will receive significant benefits with the abolition of OHIP premiums. I did not really expect any members of the opposition to bring this forward, but I happened to mention this in my opening remarks and I think it is worth repeating. It is a fact that the employer health tax will put \$1 billion back into the pockets of the residents of this province. Individuals who pay directly to OHIP for their own coverage and that of their families will save \$714 in the first year.

**Mr Philip:** It puts \$1 billion back and then takes \$2.1 billion out.

**Hon Mr Mancini:** That is not correct. You are wrong again, I say to my friend the member for Etobicoke-Lakeshore.

People who have their OHIP premiums paid for them will realize a saving in taxable benefits equivalent to \$665 in the first year. This is a saving of \$550 million for people who pay direct and \$450 million for people in group plans. This

means very clearly, even in socialist economics, that the people of this province will have put back in their pockets \$1 billion to use in whatever way they wish to. That is very clear. That is a fact. That is happening because we are eliminating OHIP premiums.

OHIP premiums are an unfair way to support the health care system and members of the opposition know that. They themselves, in many instances, have suggested that possibly OHIP premiums are not the way to support the health care system. That is why one of the first things this administration did upon its election in 1985 was to freeze premiums. We did that, and premiums have been frozen for the last four or five years.

The employer health tax, the employer health levy, will bring to the coffers of the Treasury some \$2.1 billion. Had we not frozen OHIP premiums and had we done what the previous government had done on a yearly basis, we probably would be bringing into the Treasury more than \$2.1 billion to support the health care system in a very unfair way. Some people paid their own, some people had their employer pay all of their premiums, some people had their employer pay part of their premiums, some people had to ask the government for financial assistance to have their premiums paid for. What a haphazard way to support the health care system.

Our elimination of OHIP premiums will put in place of the premiums a tax which is fair, which is dependable, which is easily administered. That is what my officials tell me, although the startup work is, I would say, very tremendous.

## 1620

Let me say to the honourable members opposite, they want us to support the health care system which is growing anywhere from 10 to 12 per cent a year. When a \$14-billion budget grows 10 to 12 per cent a year, it does not take a mathematician to know that we are in need of a solid way of financing these increases. The employer health levy will bring in less than 16 per cent of the total health expenditures.

We are facing many pressures. None of the honourable members mentioned the billions of dollars in cutbacks that we faced through actions by the government of Canada, through its unilateral decisions to diminish the established programs financing of our social systems here in Ontario and other parts of Canada.

This province has already lost billions of dollars. We expect to lose, within the next few years, at least another \$3 billion in transfers. Not

a single member of the opposition made note of that, not one, but they all said: "Yes, finance health care. Yes, provide more health care if you can. Yes, it's the right of every person to have appropriate health care. But the money that you need to do this, don't raise this money through taxation. Kind of wish that it will be found in the Treasury and then pay the bills that way." That is basically what the opposition members have told us.

**Mr Philip:** That is simply not true.

**Hon Mr Mancini:** Mr Speaker, I sat very quietly and listened to the member for Etobicoke-Lakeshore. I do not think I heckled him once during his speech.

**Mr Philip:** On a point of order, Mr Speaker: I am not the member for Etobicoke-Lakeshore. Perhaps the member would get my riding name correct. If he is going to quote the opposition, would he please quote it accurately and not mislead the House in the way in which he is doing?

**Mr Fleet:** That is not a point of order, Mr Speaker. I am just trying to help you.

**The Acting Speaker (Mr Cureatz):** I know and I appreciate the assistance, although under the new standing orders it says members can explain, so I guess it was an explanation. In any event, I would ask the minister to be a little less controversial. Speak through the chair and get on with it.

**Hon Mr Mancini:** Mr Speaker, I have been looking at you for the full five minutes I have been on my feet. We have been exchanging glances, and a number of other things.

The member for Etobicoke-Rexdale can feel any way he wishes to feel about the matter, but the bottom line is that the bills are coming to support one of the best health care systems in the world. The costs are increasing at a minimum of 10 or 11 per cent every year. There is not one member in the Legislature or in the opposition who will stand up and say we should spend less on health care, yet they do not want us to put health care on a sound financial footing. That is what this government is going to do.

They talked about varied ways to raise more money. They talked about possibly raising the corporation tax to fund this \$2.1 billion that we are looking for. If we place this whole tax on the corporate income tax, the rate would go from 15.5 per cent to 24.5 per cent, making us probably the least competitive economy in the whole of North America.

They talked about raising income tax. If we put all of this on the income tax, Ontario's present rate of 52 per cent would have to increase to at least 60 per cent. Maybe that is what the honourable members would rather have. If we put it on the sales tax, we would have to go to at least 10 per cent from eight per cent. Maybe that is what the honourable members would rather have.

I think what we have proposed, a fair employer health tax with half a rate for small business, is the fair way to go. It will ensure that every employer makes some contribution to the health care system, it will abolish premiums and it will put \$1 billion back into the pockets of the taxpayers of the province of Ontario. That is a fair way to go.

**The Acting Speaker:** Mr Mancini has moved second reading of Bill 47.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for standing committee on finance and economic affairs.

**Ms Bryden:** On a point of order, Mr Speaker: Would the minister not indicate to us what length of public hearings are being considered, because I think it is very important that they be not just one day, but that they be adequate to allow the people who are opposed to this bill to have a chance, and they are a very diversified group. It should be at least a week.

**The Acting Speaker:** Speaking to the point of order, the member for Cochrane South.

**Mr Pope:** I wanted to ask for unanimous consent to waive the requirements of notice of section (c) of standing order 41 with respect to the events of next week, and the House leader for the government will be pleased to explain all that to the members of the House.

**The Acting Speaker:** Does that have to do with the first question? No.

The House leader may respond to the member. I know she is out of order, but it might help facilitate the workings of the House.

**Hon Mr Ward:** I will try to facilitate it, but the House leaders have had an understanding in terms of the committee referral, as far as I know. I do not think it would be particularly helpful if I agreed to her suggestion, because my understanding is that the committee intended to have it longer than the suggestion put forward, and I



think that is where the matter can best be resolved.

**The Acting Speaker:** Since the minister and the House leader have been so kind as to clarify that for us, we appreciate it very much. The honourable member for Cochrane South had a point of order. He had indicated the House leader was going to respond to the point of order.

**Mr Pope:** Yes. What I wanted to do, on behalf of my party, was to seek unanimous consent of the House to waive the requirements of notice that are contained in section (c) of standing order 41, and that is to facilitate an opposition day next week.

**Hon Mr Ward:** Just by way of explanation—we will of course provide consent from this party—the notice in terms of the opposition day was not delivered in time under the rules. I just want to make it clear that we are waiving the notice provisions. It still counts as an opposition day as laid out by standing order 41. I am sure all parties will agree.

**Mr Philip:** We will certainly agree and we hope that in so doing we are assisting the member for Cochrane South in his bid for the leadership of the Conservative Party.

**The Acting Speaker:** I would like to thank all honourable members. Under the workings of the new rules, it will take us all an opportunity of having a familiarity with them, of which I am a culprit as well.

1630

#### COMMERCIAL CONCENTRATION TAX ACT, 1989

Hon Mr Mancini moved second reading of Bill 46, An Act to establish a Commercial Concentration Tax.

**Hon Mr Mancini:** Members will recall that Bill 46 was introduced 10 July 1989 to implement a proposal contained in the budget of the Treasurer (Mr R. F. Nixon) of 18 May 1989. That proposal provides that large commercial structures and commercial parking lots and garages within the greater Toronto area be subject to a commercial concentration tax.

The greater Toronto area, as I am sure the members are aware, includes all of the municipalities in the regions of Durham, York, Halton, Peel and the municipality of Metropolitan Toronto. Large commercial properties within this area receive significant benefits from the provincial expenditures on roads, the transportation systems and many other services.

To be able to maintain, update and improve this transportation network, including public transit and highways, additional revenues are required. These revenues should be obtained not from the individual taxpayer but from the corporate sector, the businesses that reap the greatest benefits from the provincial expenditures on these essential support services. The additional revenues will be used to ensure continued ready access for customers and suppliers of these businesses, specifically for improvements, expansion and accelerated construction of Highways 401, 403, 407, 410 and the Queen Elizabeth Way and an expansion of the GO Transit service to Milton, Georgetown, Richmond Hill, Stouffville and, I know you will be happy to hear, Mr Speaker, Oshawa.

As the then Minister of Transportation, the member for Scarborough East (Mr Fulton), announced in June, Ontario's competitiveness and employment opportunities will be greatly promoted by the enhancement of the transportation system and transit programs within the greater Toronto area.

As the Treasurer had mentioned in the budget, the government's commitment for this new transportation capital program is in the amount of \$2 billion over five years. To accomplish this, to raise these revenues, owners of large commercial properties, such as shopping centres and offices, will pay a tax equal to \$1 per square foot on the area of their properties that exceeds 200,000 square feet.

The types of properties that will be liable for the commercial concentration tax include stores, shopping centres, offices, restaurants, hotels and arenas. The tax is applicable only if the building is larger than 200,000 square feet and then is levied only on the area of the building that is over that basic amount.

For example, if a building—and I see we have gone to metres here—in a shopping centre has an area of 15,000 square metres, no commercial concentration tax would be payable. On the other hand, if a shopping centre measured 20,000 square metres, then it would be liable for the commercial concentration tax on 1,400 square metres; that is on its area in excess of the basic amount. It is very plain and simple: On the first 200,000 square feet, no taxes; on anything over that, \$1 per square foot after the elimination of the first 200,000.

The commercial concentration tax will not apply to many types of properties. These properties not liable include residential properties, industrial properties, warehouses, trucking

depots and research and development facilities. In addition, other than municipally owned parking lots and garages, property that is exempt from municipal and school taxes will not be required to pay the commercial concentration tax.

The members will agree, I am sure, that this list of tax-exempt property clearly shows that there is no intent to burden any sector of the economy other than those which can be clearly demonstrated to contribute the greatest impact on the economic infrastructure of the greater Toronto area.

Beyond the direct pressure which is generated by these major commercial enterprises, the many thousands of commuters who travel into the greater Toronto area on a daily basis create a tremendous burden on the surface transportation system. The implementation of the government's new transportation capital program demands a contribution from those who use the roads and highways. For this reason, the commercial concentration tax will also apply to parking lots and parking garages which are accessible to the public and for which a fee is charged.

In recognition of the essential services which shopping plazas and other commercial properties provide to the residents of the greater Toronto area, the bill which is currently before the House does not levy a tax on parking associated with these commercial properties unless it is public-access, fee-paid parking.

Because the fee-paid parking is largely used by commuters, it is appropriate that these facilities should also contribute to help offset the financial pressures which result from maintaining the surface transportation network within the greater Toronto area. Therefore, owners of parking lots and parking garages including those that are owned by local municipalities will pay the tax at a rate of \$1 per square foot based on the entire area of the parking lot and/or garage.

There are other parking lots which do not, as a result of their seasonal nature, place the same burden on the transportation system within the greater Toronto area. In recognition of this, seasonal parking lots such as those at the CNE and Canada's Wonderland will not be taxable.

The administration of the commercial concentration tax will not entail a significant expenditure to this government. The government has in place already an inventory of all properties liable for this new tax. This computer-based inventory exists within the property assessment program of my ministry and includes such relevant informa-

tion as the name of the owner, property location and description and property size.

With this existing data base, the commercial concentration tax will be one of the least costly taxes to implement. In support of the introduction of this new tax, the property assessment program of my ministry will also take full advantage of its additional communication support activities to ensure that taxpayers will have every opportunity to investigate their assessment and to establish their need to take further action in the way of appeals.

Specifically, special open houses will be held after assessment notices are mailed. These will provide taxpayers with the opportunity to discuss their assessment and review the calculation of the areas of their properties. If taxpayers are not satisfied with their assessments, they have the right to appeal their assessments to the Assessment Review Board.

In ensuring the efficient administration of this tax, the appeal system has been designed to parallel the system that currently exists for property tax assessment purposes. Consequently, the appeals provisions will add minimal administrative costs above and beyond the existing appeal system.

Again, because the appeal system for the commercial concentration tax is being piggy-backed on to the assessment appeal system, most of the owners of the properties liable for the commercial concentration tax are already familiar with their right of appeal. As in the case with property tax assessment appeals, staff from the property tax assessment program will be responsible for the presentation and defence of these appeals.

The support for this tax billing and revenue collection also currently exists within the Ministry of Revenue. As the members are aware, the framework for the tax billing and collection of all Ontario taxes falls within the responsibility of my ministry. This framework can readily incorporate this new tax.

Taxes will be billed in two instalments, with taxes due and payable the first day of February and the first day of October each year commencing 1990. Provisions exist for in-year adjustment of taxes including additional taxes for newly constructed buildings and reductions in taxes for buildings which are demolished. These provisions also parallel those currently in use for the municipal taxation purposes.

In summary, the commercial concentration tax will provide an opportunity for those who benefit significantly and directly from the provision of a



new public infrastructure to make their contribution towards its cost.

A few technical and minor amendments to Bill 46 are required. Therefore, I would ask for the members' co-operation and understanding when I introduce these administrative amendments in committee.

**1640**

**Ms Bryden:** Once again, we have a brand-new tax before us. It seems the provincial Treasurer cannot make the old taxes work properly and cannot get a proper revenue out of them because he puts so many loopholes into them, because he does not always enforce them as well as he could and because he is always looking for the rainbow over the mountain that will bring him some new tax revenue that nobody else has tried.

He should know, from his long experience as Treasurer, that new taxes are headache taxes. They are an attempt to tax taxpayers who have not been taxed before, or to tax them in a different way and, in effect, they are laying new taxes on top of old taxes at an alarming rate.

This is building up tax revolt. There is no doubt about it. People feel that they are already heavily taxed, particularly the middle- and lower-income groups and that it is time the tax system was made fairer, so that the well-off groups and the big businesses pay their shares. Then the government would not need special taxes like this for any additional services. It could get, out of a fair tax system, the revenue that is needed to operate this province.

I notice that the minister tells us this tax is to pay for necessary improvements in the infrastructure in the greater Toronto area. He talks about a \$2-billion allocation for transportation in that area. That \$2 billion is the greatest phoney figure that has ever hit this House, because it was promised long before the present budget. It was promised about a year ago in a minister's statement of what his transportation plans were for the next 18 months.

But practically all of the expenditures in there are only on the drawing board or a gleam in the minister's eye. They are not likely to be spent for at least five years, and they are not going to bring the solutions to our problems: the shortage of GO Transit and the shortage of highways that are more efficient than the ones we have, and the rationalizing of our highway system so that, with further electronic monitoring, we can have them used more efficiently. Those are all in his dream of two years ago, and they were for the previous minister simply a dream. I have not seen any

evidence that the new Minister of Transportation (Mr Wrye) is going to make any real changes.

But the Treasurer is still going to put on a tax that will raise over \$2 billion for the payroll tax and an estimated \$125 million for this tax and he says it is for infrastructure. I would be very surprised if any of it goes to infrastructure, because that is not the government's priority. Its priority is to raise as much money for the Treasurer to put into his pet projects, his special task forces and the special task forces of the Premier (Mr Peterson), things like the medical council and the engineering technology council and things of that sort. But there is very little for helping the citizens of this province with their actual needs. Certainly, their needs do not call for a commercial concentration tax.

Let's look first at the question of why we need a commercial concentration tax, because it is highly discriminatory taxation against one section of the population; that is all the people who live in the so-called greater Toronto area running from the municipalities of Durham, Halton, Peel, York and Metro Toronto; it includes Brampton and Markham; it goes as far west as Burlington and as far north as to include some of the shores of Lake Simcoe, and in the east part of the town of Newcastle.

This is simply a sweep to try to get a large a tax catchment area in order to provide for changes in the traffic infrastructure in the greater Toronto area, but so far we have not seen any real plans for changes in that traffic infrastructure; we certainly have not got any new GO trains yet. They are talking about them, but then they have had almost two years since the original announcement of that \$12 million and most of it was supposed to go into the greater Toronto area.

The purpose of the bill, the minister said, is also to see that the people who live in Toronto pay for the extra services that Toronto needs, not just the transportation services but all the roads and public transit and other items that are absolutely essential if we are going to avoid gridlock. But there is not a uniform benefit to the residents of the greater Toronto area from those projects. Many people from outside use them; the commuters use them when they come in.

It is a discriminatory tax, this commercial concentration tax, to try to hit those who own buildings in the greater Toronto area. There should be a fair tax system so people would be paying tax on those facilities in all parts of the province. Taxation by geography is, I think, a very bad principle. I think most tax experts would say it is, because members cannot define

exactly that all the people in a certain geographical area benefit from a certain tax. Tax incidence should be based on ability to pay and the benefits that are derived for that area.

It is very difficult in an area like the greater Toronto area to say that the needs are anything like homogeneous or that the population will stay very stable in the next few years and that these infrastructures that are being built up will benefit the people who are already there, or will they also allow for expansion in the greater Toronto area? The first thing that should be looked at is the question of decentralization. If we had more of the greater Toronto area with subcentres and with different transportation systems serving their subcentres, we would not need nearly the infrastructure that is now being designed and talked about for the greater Toronto area.

So this tax really is a phoney tax by the provincial Treasurer to get another big chunk of money into his control. It is not clear where it is going to go. Certainly there has been very little study of how it will impact on small businesses, on big businesses, on operators of parking lots, on people who use parking lots, and on people who shop in those businesses that will be paying this commercial concentration tax.

### 1650

I think we can also make the same complaint about this tax, that it more or less came out of the blue in the last budget. There has been very little information provided on it to the critics since that budget last May, but the government wants to rush this through. The reason they want to rush it through is because the provincial Treasurer cannot avoid, apparently, having more money flow into his coffers even though he does not really know and has not specified what to do with it.

We are building up a very serious concentration, not a commercial concentration tax but a serious concentration of government revenue in the consolidated revenue fund, more or less not earmarked but hitting people in a very uneven way. I think that is a bad principle of taxation. It is time the Treasurer went back to the drawing board.

The question I asked yesterday about the employer health tax was, has the ministry looked at alternative sources of taxation? Has he looked at other ways of finding the funds he needs for replacement of premiums, or finding the funds that he thinks he needs for the transportation needs of the greater Toronto area? Has he looked at bringing more progressive taxes into a comprehensive, fair tax system?

Has he looked at some new taxes I mentioned yesterday and my colleague has just mentioned today in the way of an increased corporation tax, because it has been going down steadily, in the way of a wealth tax such as they use in Sweden, in the way of getting back into succession duties where the estates have been let off? While we do need to let off the family farm and the family home because they may want to have some inheritance to pass on to their children, on the other hand, they should not be entitled to pass on everything without paying some part of their wealth to the state. That has been done in most countries but not in Ontario.

I think the Ministry of Revenue is going along with the provincial Treasurer in setting up new and untried taxes without providing us with sufficient information, without providing us with sufficient evaluation of their affect on the economy, on development and on location of housing. He really has very weak arguments for saying why we have to use either of these kinds of taxes. There is a much stronger argument for developing a fairer tax system in this province, and until we put that as our goal we are going to go on having these kinds of new taxes where the impact is unknown.

The point about this bill is that it not only hits all large commercial structures greater than 200,000 square feet, but it hits all commercial parking lots and garages within the greater Toronto area regardless of the number of square feet. If that tax is not going to increase parking lot fees and the amounts businesses that deliver goods and services will have to pay to use the parking lots, then I will be very surprised. That tax will be passed on straight through and it is not fair to pass it on to everybody in the greater Toronto area, because the needs are very different, the pressures for parking are very different and the rates are very different.

I understand universities may be free on their lots if they own, but if they lease a lot, as York University does in many cases, that will be taxed so that some students will end up paying this tax on their parking lot and others will not. The same is true of commuters. If the commuter parking lot is run by the Toronto Transit Commission it will be exempt, as a public body, but the leased ones will be taxable. It is going to have all sorts of anomalies and it is going to have all sorts of inequities hitting seniors who often come in from considerable distances but find a very large fee at the parking lot when they do come in.

I point out that commercial property is defined to include service stations, hotels, stores, shop-



ping centres, theatres, offices and office buildings, restaurants, arenas and assembly halls. That is an extremely broad swath. It will affect a lot of groups that use parking lots for cultural activities, for restaurants and for assembly halls, and it will affect small business as well for whatever parking lots they have.

It is a completely inequitable tax. A large property may have a parking lot, but it may not have nearly the number of spaces the smaller ones have because of the nature of the business.

I would like to point out that racetracks are specifically excluded, along with pipelines, trucking depots, warehouses, and research and development facilities. All of those seem rather questionable. We do need R and D for the development of our economy, but it is not defined what the government means by R and D, whether it is R and D that will benefit the American market or something of that nature.

As far as the racetracks go, they have large parking lots and those lots provide spaces for people who attend the races. Why they should be exempt, I do not know. They are a commercial operation. They are assessed for property taxes on their land. It looks to me like favouritism for a particular industry that really has an opportunity to recoup any parking fees from its patrons, since they are out there to spend money, to lay wagers. I see no reason why that activity should be exempt from parking lot taxes.

Residential and industrial properties are not subject to the tax. That is one of the few exemptions. But condominiums that are part of a taxable commercial property are taxable on their portion of the commercial property. I understand that the amendments include new rules to make sure that the condominiums that are not registered yet still do not escape the tax on the unregistered units, as well as the registered units which are taxable from the minute they are registered. A new property that is just going up will be caught even before it is completed.

**1700**

I very much question the \$125 million in revenue that the minister put forward because I do not think he really knows exactly how much parking lot property there is and how much commercial property there is in this city. I understand they are doing a survey at the moment, but since the survey is not completed, we have a very large question mark behind that figure. If it is a lot more than \$125 million, it will just be another windfall for the Treasurer to spend as he sees fit. It will be a windfall that could have been avoided and the needs of our

transportation system and our other systems could have been met through more progressive taxes.

In this proposal we seem to be creating a new tier of government, namely the greater Toronto area and I think that is something this House should look at very carefully. We already have four and five tiers of government in this area, but this is going to be a unique one because it will have no accountability to the residents except through the provincial government. This tier of government will decide who pays the commercial concentration tax, collect it and give it to the provincial Treasurer.

I do not think there is even legislative authority for this kind of taxation without representation. That was the fight back in the reform days, no taxation without representation. This is giving the provincial government the complete say to set the rates; we set the rates by the legislation, but it is the complete say on what will be done with the money after it is collected.

None of this money apparently will go back to the municipalities, which have the greatest responsibility in the greater Toronto area for providing transportation and services and generally seeing that the residents who are affected by the taxation get some sort of compensation. We do not want this tax to put out of business many small businesses or small parking lots. We do not want this tax to put nonprofit day care centres that may have parking lots attached out of business.

Then, of course, we do not know whether the municipalities and the hospitals will be required to pay tax, as they are under the employers' payroll tax. If so, it will be another area where the province will have to step up its grants.

It is the same with the universities. It is not clear yet from the legislation who is exempt. In the list we obtained from the legislation, I do not think universities are even mentioned as being covered or not covered. There is a real problem there. Universities cannot absorb any additional costs these days when the provincial government and the federal government are cutting back on their grants. To whack them with an additional parking lot charge is going to make it much more difficult for them to operate. They may have to pass the price on to the students.

I do not really see that there are any incentives built into this program to encourage decentralization. That is really what the minister should be doing, not necessarily through the tax system, but through grants and approvals for developments that will provide affordable housing and not provide million-dollar developments that are

creating urban sprawl. It should be part of the planning process which the provincial government says it wants to join in with all the other municipalities in this area and make sure that the planning process produces both affordable housing and services for the people in the regions beyond the major centre.

It has not been determined whether the tax will be passed on directly to tenants if an employer has a parking lot on his apartment building. Most apartment owners have a clause in their lease that tax increases will be passed directly through. The same is true in shopping malls. It appears that there is a great opportunity for apartment owners and shopping centre owners to pass this tax on, and of course once you have a lease in either an apartment building or in a shopping centre, it is pretty hard to avoid paying the tax unless you can easily move out. We know that in the present situation that is not easy for any of the people.

The tax is inequitable because the 200,000-square-foot threshold is entirely arbitrary. Why should a record store in a shopping mall be subject to the tax when a record store across the street that is twice the size will not be subject to the tax?

The amendments the minister has mentioned, which will be coming for this act when we get into the committee stage, are not as innocuous as he says. There is one at the very end which is in line with what this government and the Conservative government have been doing to an increasing extent, and that is to declare that the Lieutenant Governor in Council, by regulation, can make almost any change in this act. It can change definitions. It can change exemptions. It can probably change rates of tax.

But such sweeping powers I think render the legislative process null and void, and that is something we should be protesting, because if we allow the ministry to change anything and everything in the act, there is nothing to prevent it from really just rewriting the act as a regulation passed by an order in council. Surely that is not democratic legislation. That is getting into the dictatorship stage, but I have seen it in more and more acts that are coming up.

Let me just read to members the clause that is in that amendment so they know what is there. They may decide to reject it when they do know what is there. The amendment to subsection 21(2) proposes: "The Lieutenant Governor in Council may pass regulations exempting commercial properties and commercial parking lots from the tax imposed by this act." That is the bottom line. Then there is another one where the

Lieutenant Governor in Council is empowered to rewrite the definitions as it sees fit.

I think those are the kinds of amendments we should be looking at. They are not as innocuous as the minister mentioned. There are others, too, that again give very sweeping powers to the minister, so that not only are we not getting tax reforms or decentralization, we are getting a very bad tax policy and a very poor opportunity to develop a progressive tax system and to have adequate input into the development of that tax system. That is why we are asking for public hearings on this bill, so that hopefully the potential taxpayers will realize what a dangerous bill it is. I suggest that we go the route we have been proposing for both this tax and the employer health tax, and that is that we get down to business preparing a fair tax system and that that will be the bottom line for any tax policy.

1710

I am rather disappointed that our provincial Treasurer, with his long career in the House and his many years in opposition, appears to have now switched completely to favouring a regressive tax system and to favouring very large tax bites year after year, everything from sales tax to income tax, except on the corporations; and now these two new taxes as well. Plus, he does not appear to be opposing, at least openly, the goods and services tax, or thinks that some arrangement can be made. The Canadian people think the GST should not be proceeded with, according to the polls. But the Treasurer seems to be going for all these regressive taxes. I think he should be thinking that perhaps it is time to reverse his trend and try and keep the promise which was made in both of the last two elections: to produce fiscal responsibility and a fair tax system. He has not done either of those.

I will suggest that we look very carefully at this bill. Our party will be opposing it, because we think there are so many flaws in it and we will also in the committee stage oppose some of the amendments. But we do hope there will be public hearings.

**Mr Philip:** I think this tax bill and Bill 47, which we have been debating before this tax bill, certainly demonstrate one thing: If there was ever any belief in the eyes of the public that this government had any kind of tax policy, it surely is shattered with both of these bills. These bills show that the government is completely bankrupt when it comes to coming up with any consistent set of thought-out tax policies.

Let me just give a couple of examples of the absurdity found in this bill. I pointed out the



contradictions in Bill 47. Let's take a look at just some of the examples of the absurdities found in this legislation. If we take the city of Whitby, with which the Speaker is well familiar, since he represents a riding close to there, we see that the revenue the city of Whitby obtains through its parking facilities is \$118,000 per year. Thanks to this tax bill, the city of Whitby will be charged \$165,000 per year. I ask you, Mr Speaker, as someone who understands a lot about the city of Whitby and the surrounding area, does this make any sense? If you were the mayor of the city of Whitby, would you be able to justify this kind of absurdity? Here you have a choice where, if you want to come even near break-even, you have to increase your revenue from your parking by something like 120 per cent.

Obviously the government has not thought through what it is doing with this kind of legislation; and, as with the Sunday shopping and so many other bits of legislation it has introduced in an ad hoc fashion, it obviously has not consulted with the municipalities. Luckily, this bill is going out to committee and we will see the municipalities coming down here to Queen's Park and telling this government exactly what it thinks about this kind of legislation, the same way as we are going to have the business people telling the government what it thinks of this unfair form of taxation.

We already know what Metro chairman Alan Tonks thinks about this bill and the previous bill. He commented on the budget. He said what an absurdity it was that this government could try to justify this kind of tax grab from residents in the greater Metro Toronto area by saying that it has to pay for increased transportation facilities. He points out very clearly that if you look at where the transportation budget is going, it is for the most part going outside Metro Toronto, not inside Metro Toronto. So to tax the people of Metro Toronto simply on the justification that somehow this is providing better transportation facilities is simply an absolute absurdity, if not an outright lie.

Interjections.

**The Acting Speaker (Mr Breaugh):** I do hear members challenging the language that is being used. It is about as close as you can get without being unparliamentary, and I would appreciate it if you would not get that close again for the remainder of the afternoon. Proceed.

**Mr Philip:** Being an experienced chairman for a number of years, I know exactly how close I can get without going over the line and that was my intention.

Interjections.

**Mr Philip:** The budget that we have experienced chooses to tax the people of the greater Toronto area not just in this area but with other legislation. It decided that motorists living in the greater Toronto area should have their licence fees increased from \$54 to \$90, even though that is not going to be charged to people outside the Metro Toronto area. When asked about it, the Treasurer said, "After all, it's a first-class city." I believe, if I am not mistaken, the Treasurer drives in this first-class city. He drives with his low-rate auto registration fee while the people in the Metro Toronto area driving alongside him pay the higher fee.

Of course, the member for the riding just south of me says that what justifies this kind of economic apartheid—and that is all it can be described as when you take one area and say: "It doesn't matter what your income is. You're going to pay more taxes than someone of similar income in another area." That is certainly a discriminatory form of taxation. She says, and I quote her: "After all, we have facilities in Metropolitan Toronto. We have the Sick Kids Hospital." I thought the Hospital for Sick Children was open to residents of all of Ontario; indeed, we have people coming in from all over the world to use the facilities of the Sick Children's Hospital.

1720

If you want a first-class city, you also have the problems of living in a first-class city. We have a great number of poor people in this first-class city. We see that by the fact that they are being fed in large numbers by food banks, and the Treasurer thinks that somehow it is a good idea to increase the taxes on people who are already living in a very expensive city. This kind of discrimination has never been done by any previous Treasurer.

**Mr Fleet:** How are we taxing more? That is right off the wall.

**Mr Philip:** I am sorry? I wish The member for High Park-Swansea (Mr Fleet) would get up and speak, because his residents are paying higher taxes than in other cities in Toronto, thanks to this government, and he is doing absolutely nothing to get up and talk against this kind of economic apartheid and discrimination against—

**Mr Fleet:** You don't know what you're talking about; not about what I do or about what the bill says.

**Mr Philip:** Instead, he would rather try to interrupt me, Mr Speaker, because he does not

have the courage to get up and let his constituents actually see where he stands on this.

**The Acting Speaker:** I would remind members that this a place to say whatever you want to say and I would encourage you to do so. I would really appreciate it if you would stick to what your intentions are and what your views are and leave everybody else to be free to say whatever they want to say. That is the nature of the process, and you would help me a lot if you would stick to it. Proceed.

**Mr Philip:** Thank you, Mr Speaker. I trust I will have fewer interjections from the flipping gums of the member for High Park-Swansea, who does not have the courage to get up and let the people—

**The Acting Speaker:** I tried to be as gentle as I could. I am now going to ask you to withdraw that latter remark.

**Mr Philip:** I withdraw the remark, Mr Speaker.

Let me deal with some of the specifics of this bill and what it does. Some of the finest hotels in Metropolitan Toronto are located in the riding I represent. These hotels provide a great number of jobs to my constituents and indeed to a number of constituents in the surrounding areas.

The Treasurer in introducing this bill, Bill 46, has initiated a form of economic apartheid on the residents and businesses of the greater Metropolitan Toronto area by charging us far higher taxes than those of anywhere else in the province. His scheme will be particularly damaging on the hotel industry, which creates a lot of jobs. First, he hits it with Bill 47, as a result of his corporate concentration levy. He then hits it again with Bill 46.

The commercial concentration levy creates a real problem for the larger hotels in Etobicoke which are competing for convention businesses from other cities. A majority of these hotels are over 200,000 square feet in size and they will be directly impacted by this levy. The hotel managers I have met with claim this will mean an increase of \$4 to \$6 per night per room. There was a drop of 10 per cent in hotel bookings during July and August of this year and this can only add to the present burden they are facing in competing for the smaller conventions with other cities in Ontario and for the larger conventions with the United States.

The Treasurer is penny wise and dollar foolish. He and the Premier should go back to the drawing board and look at this \$10-million tax grab and see exactly how it is going to affect the tourist industry in this province and see how

much revenue he is actually going to lose as a result of this legislation and its effect on the service industries in this province.

Let me just read to members some excerpts from a letter from the Toronto Airport Holiday Inn. The general manager writes: "The Treasurer, Robert Nixon, has announced the creation of a commercial concentration levy to be effective 1 January 1990. This is an annual tax levy of \$1 a foot to be assessed on all commercial properties, including hotels and associated parking, exceeding 200,000 square feet. The object of the CCL is to raise \$125 million annually in those communities which realize considerable economic benefit from the provincial expenditures in infrastructure.

"The benefits are stated in the budget speech as capital gains from land and building value, increased income from tenants seeking prime locations, suppliers and employees using the existing transportation network. The Hotel Association of Metropolitan Toronto, on behalf of its 104 hotel members, is writing to you to express our deep concern and to seek an exemption for hotels, because this measure is, first, discriminatory and inequitable, and second, poses a grave threat to the integral role the hotel plays in Toronto's multibillion-dollar tourist industry."

Tourism is a \$2.7-billion industry in Metropolitan Toronto, if we use the 1988 figures, of which \$500 million was spent on accommodation alone and it is presently generating \$25 million a year in room tax. The 17.6 million visitors who came to Toronto in 1988 and 108,000 person-years of employment are tied directly to this industry in Toronto, of which 200,000 are directly involved in the hotels themselves. What this is doing is helping to price these hotels out of any competitive business with both the hotels outside Metropolitan Toronto in Ontario, and outside the country.

I have talked to a number of the hotel operators in my riding and they point out that they have now frozen all future capital expenditures for the foreseeable future as a result of this tax. They have already been under pressure in competition with the United States, and now this is the finishing touch. Not one of them is prepared to put on another brick or dig another foundation or expand his hotel in the foreseeable future.

So what we are seeing is not only what they claim is a very strong possibility of layoffs in the hotel industry as a result of this tax, but also a direct effect on the construction industry and an indirect effect on the municipal taxpayer because, of course, it is the municipal taxpayer who



benefits by the expansion of industry, be it the hotel industry or any other industry.

Let me just explain to the members for a minute the effect on one other business, another service business in my riding. Jet-A-Way Airport Parking is located at 200 Carlingview Drive in Rexdale. The owner wrote the following letter to me and I met with him.

He says: "I am writing to request your assistance in the fight to eliminate the proposed land concentration bill. This tax calls for a charge of \$1 per square foot of usable parking space. I own and operate Jet-A-Way Airport Parking, which has in excess of 775,000 square feet of land. This tax will then require a payment of \$775,000 per year. I lease this property from the federal government and therefore have high lease payments. If I am expected to pay this additional tax, I will be forced to close my business."

This is what this government is doing. It is taxing the people of greater Metropolitan Toronto. It is not only having an effect on the consumers who use this kind of service, but it is putting this man out of business. This is a business that was established in 1985; it employs 75 staff members and has a payroll that exceeds \$1 million. If the provincial government forces the closure of this business it will be a great loss to the staff, their families, the community of Rexdale and the thousands of clients who enjoy the service that it has provided.

**1730**

He goes on to say, "It is unfortunate that after all these years of providing this many jobs, I am being forced out of business by the provincial government, the Liberal government of Ontario."

If we look at the whole system we see the inequities of it. Just as we saw in the previous bill that some people will be able to escape the so-called health tax or employment tax even though their profits are very high, and others who have very low or modest profits will have it socked to them, so too this fails to discriminate in any way between the differences in the kind of concentrations that we find in the city. It is, first of all, unfair that the government says, "You are going to pay more because you happen to be located in a particular area than in another area," but also within it, it fails to recognize that there are differences—differences, for example, between hotels and commercial properties. In hotels, the client is transient and therefore may or may not come back depending on what the particular cost is, and we have said that in the case of hotels this will have a great inflationary

effect on them, whereas commercial properties typically have five or 10 or 15 years or even longer terms in their leases.

Room occupancy of a hotel is typically 70 per cent, in comparison to other forms of commercial operations where the occupancy would be about 95 per cent. Significant amounts of space integral to a hotel operation cannot be rented, but they have to provide these services. For example, food preparation areas, kitchen areas, convention space areas are all part of a large hotel's operations, and many of these do not bring in a revenue, or at least do not meet the cost, but they must be provided none the less, whereas if we look at commercial space all usable space is available for retail or office use.

If we look at the situation in the hotel industry in this province we see that there is tremendous competition with hotels outside the greater Metropolitan Toronto area, but even more particularly in North America generally, whereas if we look at other commercial establishments, generally the competition is limited to the downtown Toronto area versus the suburbs or general GTA.

The hotel market tends to be priced very sensitively due to the need for capacity, or working as close to capacity as possible, and the fact that hotels can go under if that capacity drops by even a few percentage points, whereas the current demand for other types of commercial properties is more than met by the supply. Hotels typically operate on a single-digit, or certainly low double-digit, return, whereas commercial properties generally operate on a much higher rate of return.

So what we have is just one more set of examples of how this form of taxation is discriminatory. It discriminates, first, by location and then it treats everybody, regardless of their profitability, regardless of the kind and nature of their business and the market forces within that business in North America, all the same. What we have is the creation of a system of taxation that singles out one geographical area in the province and says, "If you live in this area you are going to pay more, if you go to a restaurant you are going to pay more, if you own certain types of business you are going to pay more than if you live or operate in another area."

It is a tax which, once again, encroaches on municipal responsibilities and I gave members the example of the parking lots but it does not return anything to the municipality in response for this extra cost or this extra tax grab that it is taking out.

The revenues will be used for provincial priorities, not municipal priorities, and I think that luckily by having this bill go out for hearings we are going to hear what the municipalities have to say about that, not just Alan Tonks, a prominent Liberal who has voiced his concern about its effect on Metro Toronto.

No one disagrees with the need to create industry in different areas of the province, to decentralize, but if we look at the experience in other jurisdictions, we see that there are ways of doing this. Nobody has attempted, to my knowledge, to try to do it this way, in this kind of discriminatory way. It just does not make sense to charge a different tax on a parking lot in downtown Toronto than a tax in some other area.

Theoretically, the government says that the tax is on developers but we can see that it is not on developers. It hits everybody who happens to have the square footage. We see that a small businessman who is renting land and running an airport parking business with 75 employees is being put out of business and being hit with a tax the same way as the largest commercial enterprise in downtown Toronto would be hit. So it does not discriminate either by profitability or by the type of business that you are in.

It does not just hit the developers. That is the point that surely has to be made. A number of the shopping malls will be hit by this but will it be the developer who is hit? Most of the leases we find in the shopping malls—and we know this because we have looked at a number of leases across the province when we were dealing with the Sunday shopping issue—will have a fairly ironclad contract that the developer cannot get out of when it comes to the large corporate enterprise, the Bay and the very large stores.

But when it comes to the small business enterprise, these people invariably have a clause in it that says that any increases, municipal or otherwise, will be passed on to the tenant. So what we have is an unfair system of taxation in this bill which means that the small businessman in the mall is going to be affected more than the large businessman operating in the identical mall.

I spoke earlier about the failure of this government to have any tax policy and that is why it has this kind of ad hockery. I challenge the government to tell us what is magic about the number 200,000 square feet? How do they arrive at 200,000 square feet?

It certainly is not based on ability to pay. There are some businesses that will have that kind of square footage and have very low profitability;

while others, a very small concentrated enterprise, under 200,000 square feet, have a very high profitability.

You can be a stockbroker in downtown Toronto and show a very large profits and not be in any way affected by this if you have a certain type of office space. You can be a company such as Jet-A-Way Airport Parking with very low profitability and be dramatically affected by it.

#### 1740

I guess one has to ask also, what is the rationale on the boundary lines that are drawn? Here we have a government that has said, "If you live on this side of the line, you are going to pay this extra tax; if you live on the other side of the line, you do not." Yet if you look at the areas that are covered by this special tax in the greater Metropolitan Toronto area, you see that those areas are not homogeneous by any means. So you can have an area that is on one side of the line that is more like the areas excluded than it is like the centre core perhaps of the city. So you have a system which basically has the inability to discriminate and in fact throws a whole bunch of apples and oranges into the same pot without any kind of selection process.

I think and I hope that the principle of tax differentiation on the basis of geography will be challenged in the courts. These taxes may be ruled discriminatory under the Charter of Rights, and I hope that some corporation or some groups of corporations or groups of individuals decide to have a court challenge on this.

This government has taken, under this act, huge powers under the regulatory section to make hundreds of administrative rules that are not contained in the bill. So what we have then is a bill that does not make any sense whatsoever and you are going to have a whole bunch of bureaucrats who are going to make even more decisions with a bad piece of legislation to start with.

There is no rationale in any of the exemptions. Why is it that if I decide that I want to have dinner and I go to the Jockey Club and I park my car at the racetrack, I am not going to be charged this extra tax, whereas if I go to another shopping centre with an equally good restaurant, I am going to pay it? It does not make any sense whatsoever. Why is it that if a family goes to a film, a movie, and therefore parks in a certain area to take in a film, they are going to be charged this extra levy, whereas if they take their children to the racetrack, they are not going to be taxed? Why is it that if I take my family to see a film on one side of the geographic boundary line, I am



going to pay more for parking as a result of this tax than if I take them to a theatre on the other side? There is no rationale whatsoever.

This legislation is discriminatory. It says to the people of greater Metropolitan Toronto, "You are going to pay more taxes than people living elsewhere." It has no foundation in any kind of rational plan that this province may have for decentralizing, otherwise we would see a package of other things that would go along with it. I say to the government that the people of greater Metropolitan Toronto resent this form of economic apartheid, this form of extra taxation on them which does not apply to other people in the province, this form of taxation that says, "It does not matter what the profitability is of your business or of your income, you are going to pay more taxes, not because you are earning more but because you live in a different area." It is a form of taxation that says, "If you own one kind of business, you are going to pay an extra tax, whereas if you own another kind you are not going to pay this tax at all."

I say to the government that the people of Metropolitan Toronto and area resent this form of taxation, they resent this kind of discrimination and the members of the committee are going to hear from those people of Metropolitan Toronto. I hope they also call the MPPs who are of the Liberal persuasion who are going to vote for this silly, discriminatory tax and that they will let those MPPs know exactly what they think of this kind of discrimination.

**Mr Pope:** Just to let the members know that I will be very brief on this. I will be speaking for 15 minutes. I say to the government members, the whip on duty is not here, so they may do as they wish.

I do want to make some very brief comments, but I know that some of my fellow caucus members, particularly the member for Markham (Mr Cousins), the member for London North (Mrs Cunningham) and the member for Mississauga South (Mrs Marland), are going to be making comments on some of the details of this bill, I take it next week, and will be putting in some perspective some of the concerns that they have as members from urban areas of this province that might be affected by this kind of tax principle that has been implemented in this legislation.

I have been advised that it may not apply to Timmins or Iroquois Falls, or it may not even apply to Moosonee, but be that as it may, I think there is an important principle here that reflects itself in this legislation and there, of course, is no

guarantee that there may not be similar types of principles applied at some other point in time by this government using the same rationale that would have an impact on Stormont, Dundas and Glengarry, in Wellington or many other great ridings of this province.

First of all, I say to the minister I do not accept the equivalence argument that he advances and that has previously been advanced by the Treasurer of this province, by the Minister of the Environment (Mr Bradley) and by many others. I do not think it is fair or just or an acceptable principle to say, "We justify the application of this commercial concentration tax regime because we're going to spend money on roads and transportation in Metropolitan Toronto."

It is a fundamental obligation of any provincial government to provide adequate transportation facilities for every urban area of this province and it is not a reason to apply a commercial concentration tax on Metropolitan Toronto and the greater Toronto area. It is not a rationale or an acceptable reason to say, "Without this we will not provide for the improvement to the transportation systems in Metropolitan Toronto," whether or not there will a \$2 billion package over five years.

We do not accept the equivalence argument that has been advanced by others. In meeting his obligations as he must now do in leaving the chamber, and we accept that, I know the minister will be reading the transcript of these remarks. I want to clearly put that on record because the Minister of the Environment tried to justify the new tire tax and so did the Treasurer by linking it to some environmental programs. We do not accept equivalence of program to special taxation in this province. We do not accept it. Nor do we accept the equation of a payroll tax, which we just dealt with in the previous legislation, the equivalence of that tax being paid and somehow that affects the quality of health care in Ontario.

It is a fundamental obligation of this administration to provide quality health care, to provide good environmental programs, to provide acceptable transportation modes for the people of this community and throughout Ontario. From our point of view, it does not need extraordinary or special tax measures or tax laws to do it. Nor do we believe that it is a legitimate equivalence argument to be made.

There is no dedicated funding. The Treasurer has admitted that when he has been pressed by the opposition. A tire tax measure will not result in these dollars collected by that tire tax being directly channelled into the environment.

Getting back to the principle of this bill, it is not, I think, a fair representation of what will happen in the government that the commercial concentration tax will be applied directly to transportation projects in the greater Toronto area. In fact, it will go into the consolidated revenue fund, as all revenues do, with certain exceptions with respect to lottery funds. Even in hunting licences when they said it was going to go to improvement of hunting in Ontario, of course it did not go to that. It went in the consolidated revenue fund. The same thing is true for this particular tax proposed by this particular bill. It will go into consolidated revenue, and transportation in the greater Toronto area will take its chances, along with every other area of the province and every other program of this government in the province in the allocation process that Management Board, Treasury and cabinet goes through every year.

1750

So let not the argument be advanced, as it was by the Minister of Revenue (Mr Mancini) at the outset, that by virtue of this tax we will have \$2 billion in transportation improvements spent over five years in the greater Toronto area. That argument is not accurate; it does not reflect current policies of the government now or in the foreseeable future. It is not the policy of the Treasurer to put that sort of equivalence theory forward and, of course, he will not allocate that money directly to the Minister of Transportation.

In the eight and half minutes left to me, I have to put on the record our concern about the ever-growing tax burdens faced by the people in the greater Toronto area. I talked briefly yesterday about the staggering escalation in housing costs. I talked about the staggering increases, uncontrolled, in rents being paid by the tenants of the greater Toronto area; in fact, under the regime given by the current administration, of course they are paying rents before the rent increases are even approved, and you have an 18-month and one-year wait for approval of those rent increases.

I have talked about the staggering increase in the cost of food over the past three years in the greater Toronto area, which relates to the availability of no-frills supermarkets and the lack thereof in the greater Toronto area and what is going on in the food distribution chain.

But on top of that we have this additional new tax in this specific measure. We also have reassessment going on in Metropolitan Toronto and the consequences of that little manoeuvre on the municipal tax bills that people will be paying

in the next year. I remember when they said it would be revenue-neutral in Timmins. I remember that argument being made, and I remember an alderman being elected from Whitney township on the basis of the impact of this so-called revenue-neutral reassessment on the community of Whitney, of Porcupine Lake, in 1972, and I remember it costing a certain party and a certain candidate some votes in the provincial election of 1975, where that candidate was unsuccessful, regrettably. But that is life.

All I am saying is that most reassessments start off by saying they are going to be revenue-neutral, and of course they are not; in any event, they are not revenue-neutral to the person who pays a higher municipal tax as a result of the reassessment of his home. So now we have all of these additional staggering cost increases that people who live in High Park-Swansea, in all of these great ridings that form the greater Toronto area, all of these increases in the cost of their daily lives going on as a direct result of decisions of this government. And we get new tax measures: not only general budgetary policy of the Treasurer of Ontario with \$1.3 billion in tax increases for two successive years; not only the new tire tax that I just obliquely referred to in passing; not only the tire tax, the payroll tax; not only the increase in personal income tax, but we also—

**Mr Villeneuve:** Sales tax.

**Mr Pope:** And the sales tax increase, as the member for Stormont, Dundas and Glengarry quite rightly pointed out just now to me—but we have this particular tax measure.

**Mr Fleet:** Don't forget the one on the fuel-efficient cars.

**Mr Pope:** That is right. We also have that special tax on vehicles. I am glad the member for High Park-Swansea, who obviously is critical of these tax measures brought in by his own government, is raising it to my attention and asking me to bring it before the people of the province by reference. I thank him for his help. He has always been helpful to me in my speech-making in this House.

Not only do we have the lot levy measure that is now before the standing committee on finance and economic affairs, which will result in additional increases in the costs of housing and in rentals in this great community and many others across the province, but we have this commercial concentration levy. We feel that it is the wrong way to go.

**Mr Fleet:** You tell us to spend money all the time.



**Mr Pope:** We do not think, in answer to the member for High Park-Swansea, that you tell people, "You can't have new schools built unless we have these new revenue taxes that you have to pay." We do not think that that is the right approach.

We think you take your existing traditional revenue programs, your traditional tax programs. You use them. You come up front with what your financial needs are. You look at how you can prioritize capital spending and operational spending. You adopt a program of restraints in employment and in some of the nonsensical administrative cost increases we have seen over the past three years—for this government, running at 45 per cent average in each ministry over the last three years, with no response from this government and the party in power to that information for a year and a half now.

We think there are other ways to go that do not have as dramatic an impact on the people of the province of Ontario.

**Mr Furlong:** What are they?

**Mr Pope:** "What are they?" the Liberals are asking now in this House. It is obvious that they do not have the answers. It is obvious they have never heard of sound financial management and planning. It is obvious they have not heard of administrative efficiencies when they have sat there and allowed government bureaucracies to grow by 7,000 people, when they have allowed administrative expenses to increase by 45 per cent over three years with no control or even indication of concern by the Liberal members of this House.

It is obvious that they do not understand what it takes to safeguard the tax dollars of working men and women in this province. It is obvious they do not understand what it takes to provide the basics in services to the people of Ontario and, at the same time, give them good value for their tax dollars.

They still have not figured it out. They have been in power for five years. They have not learned a thing, and we still have a crisis in virtually every basic government program provided by the provincial government of this province, whether it is education or health care or transportation. All of the basics are going to hell in a handbasket, but their administrative costs are going through the roof and no one over there is prepared to even talk about it, let alone do anything about it.

And so we have two times as many students in portables as we have ever had in provincial

history. We have students who cannot get into community colleges. We have waiting lists in hospitals. But we have lots of tax measures. We have lots of additional bureaucrats, all of whom are dedicated to the public cause and all that, lots of additional administrative dollars, but in the meantime the basics are wanting.

Interjection.

**Mr Pope:** To say nothing of agriculture, as the member for Stormont, Dundas and Glengarry indicates to me.

These are just a few of the general things that this particular piece of legislation brings to mind, which we must address in second reading. Mr Speaker is holding the bill up for me to remind me that it is the commercial concentration levy that we are dealing with. We are very concerned about the principles of this bill.

My friends the member for Etobicoke-Rexdale (Mr Philip) and the member for Beaches-Woodbine (Ms Bryden) indicated from a greater Toronto area perspective their concerns about the impact on their ridings, their constituents and their daily lives. I think this government should take their comments to heart. I think they should take this bill, bring it back, put it out for public comment, see what the reaction is. As a matter of fact, if they want some advice from the federal level, why do they not advertise it for a year and see what the reaction is?

I see the member for Mississauga West (Mr Mahoney) agrees with me on that point—

**Mr Mahoney:** I didn't even hear what you said.

**Mr Pope:** —and I urge him out of his concern for the small business sector to advertise this tax measure for the next year before the government implements it so that everyone will know what is coming—

**Mr Villeneuve:** Just before the election.

**Mr Pope:** —and then implement it just before the election. We know that this is the kind of policy that has already moved one member to join our ranks this afternoon, to fight in this noble crusade against these unfair tax measures. We urge the government, as we run out of time, to take these measures to heart.

On motion by Mr Pope, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon Mr Ward:** Pursuant to standing order 53, the business of the House for the upcoming week is as follows: On Monday 30 October, continuation of second-reading debate on Bill 46 and,

time permitting, committee of the whole House on Bill 2 and Bill 3; on Tuesday 31 October, continuation of uncompleted business from Monday and then proceeding to second reading of Bill 36; Wednesday 1 November will be an opposition day on behalf of the Progressive

Conservative Party; Thursday 2 November will be the resumption of second reading debate on Bill 36.

The House adjourned at 1801.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaître, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glen-garry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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Ontario

No. 60

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

**Monday 30 October 1989**

**Speaker: Honourable Hugh A. Edighoffer**

**Clerk of the House: Claude L. DesRosiers**

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 30 October 1989

The House met at 1333.

Prayers.

## MEMBERS' STATEMENTS

### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Kormos:** Since 18 October, the teachers, counsellors and librarians at Niagara College in Welland, and indeed at colleges across Ontario, have been on strike. It has been an unpleasant two weeks for the striking staff. They want to be back in their classrooms. It has been a frustrating two weeks for thousands of students and their families, because these students too want to be back in their classrooms. Many are fearful that the major investments they have made in their college educations will be effort and money wasted.

Our community college staff are outstanding people with a deep commitment to providing quality education. Surely we want our colleges to continue to attract leaders to the teaching profession. Clearly it was only as a last resort that these teachers chose strike action, and our Minister of Colleges and Universities (Mr Conway) sits like Nero on the sidelines showing thorough disinterest in the welfare of either students or staff, indeed showing disregard for the wellbeing of our community college system.

It is silly for the minister to say he is waiting for the collective bargaining system to work when he knows the real issue here is the long-time underfunding of our colleges. Because of that, thousands of teachers, good teachers like Joan Hastings, Barry Sharpe, Phil Durrant and Dave Abraham are on the picket line, and good students who want educations are being denied just that. All the while, the Minister of Colleges and Universities just fiddles. It is time for this government to do all it can to bring the bargaining parties together and to ensure adequate funding so that they can reach a fair resolution.

### SKILLED TRADES

**Mrs Cunningham:** "A blue-collar job may be okay for other children but my kid is going to be a doctor." This statement appeared in the London

Free Press this Friday 27 October. This is a common attitude among parents in Ontario today, contributing to a growing problem of shortages in skilled trades workers.

University of Guelph professor John Walsh has conducted a survey of thousands of Ontario's students, parents and technology employers and employees. The results confirmed this discouraging trend.

Parents, children and teachers are ignoring the challenge, remuneration and satisfaction available for skilled tradespersons. It is time it is realized that university is not the be-all and end-all for all students. The key to achieving new priorities in the skills area is to educate parents, students and teachers. Changing attitudes towards skilled trades opportunities must take place at these core levels.

According to Professor Walsh's survey, although parents said trades were important, interesting and well-paying, they still indicated that they wanted their children to go to university. The students interviewed followed the same line of thought with less than five per cent wanting to enter trades as apprentices.

Teachers must adopt the attitude that trades are not a second-hand choice for students. Teachers need this government's support to provide many more programs for training in our schools and colleges. Only with the continued support of this government, parents and educators can this bias against skilled trades jobs be broken.

### WATER QUALITY

**Mr Faubert:** The water quality of Highland Creek has become a concern to a number of my constituents. The branches and tributaries of this local waterway extend throughout the city of Scarborough. A linear park system that is actively used by the residents of Scarborough has been developed along these creeks.

In response to my question in the House last week, the Minister of the Environment (Mr Bradley) indicated that the government was moving on a number of fronts to address the cleanup of urban waterways.

These initiatives include (1) a \$9.25-million allocation to support Metro waterway cleanup projects such as sewage treatment plant improve-



ments; (2) the development of standards for storm water pollution control facilities that can reduce contaminated runoff; (3) the encouragement of municipalities by the ministry to develop sewer use control bylaws based on a provincial model bylaw; (4) as well, this government has funded in Scarborough the major portion of a \$166,000 pollution source study on Highland Creek and the Rouge River.

In addition, the public can participate directly in this effort by immediately informing the city's waste water management division of any unusual conditions when spotted in our urban streams so that the source of these pollutants can be quickly traced and corrected, and also by refraining from dumping paints, oils and solvents or any pollutants into the storm sewer system as they can quickly find their way into the water streams.

With the concerted effort of government, industry and the public, we can ensure that our urban waterways can and will be cleaned up.

#### CORRECTIONAL FACILITIES

**Miss Martel:** It seems the government has bought itself some time. Problems in Ontario's correctional facilities are reaching crisis proportions. The events of last week only prove that the conflict between this government and correctional officers has deepened and will now be even more difficult to resolve.

The pattern of overcrowding of inmates, understaffing of correctional officers and higher than average Workers' Compensation Board and long-term disability claims is common throughout the province. This pattern has been repeated at the Sudbury Jail.

The capacity of the jail is 172 inmates. On Tuesday last, there were 185 prisoners being held in the facility. On Wednesday 28 inmates were put on a bus and transferred to another centre to reduce the overcrowding. The correctional officers had no idea where the inmates were taken.

The population at the Sudbury Jail is very fluid. For months now, inmates have been transferred in and out of the facility to reduce overcrowding elsewhere or to ease overcrowding in Sudbury. Correctional officers have nicknamed the facility Jail on Wheels to emphasize how unstable the situation really is. They have no idea what to expect when they go to work every day.

The situation at Cecil Facer Youth Centre is also confusing. Last year the former minister put a cap on the number of young offenders per unit. At five units, the maximum number is 100 young offenders. Last week, there were 95 young

offenders in the facility but tomorrow an entire unit is to be closed down for renovations. Last Wednesday night, correctional officers still did not know how the closure would be handled.

The government has an opportunity to finally deal with these concerns. Let's hope the government does not blow it.

#### 1340

#### SPECIAL EDUCATION

**Mr Jackson:** I rise to call the attention of all members of this House to the plight of Becky Till. Becky is a young girl who is disabled by cerebral palsy. Despite her disability, Becky is determined to attend her neighbourhood school in York region just like all of her friends. But because of the inaction of the Minister of Education (Mr Conway), under whose ministry responsibility for aide support to disabled children lies, Becky must be content to learn alone with her private tutor.

The Ministry of Community and Social Services, which is providing the tutor for Becky, agrees with her parents that she should be in an integrated placement where her support services would follow her, but cannot do anything until the Education minister acts first. In the words of Becky's mother, "It's morally wrong that the Minister of Education should be so unaccountable."

To date, more than 100 letters on behalf of Becky have been sent to the minister from Hamilton-Wentworth students in grades 3 to 8 asking that the minister act swiftly and decisively to understand Becky's wishes to be with her friends and her plea for justice from this government.

When is the minister going to stop shirking his responsibilities, which even his government's Ministry of Community and Social Services says is his alone to exercise, and let young Becky Till go to school with her friends as she would like to do?

#### SPACE CAMP

**Mr Reycraft:** Fourteen students from the London area recently took part in a unique experience at the United States Space Camp in Huntsville, Alabama. This space camp offers youngsters between the ages of 10 and 18 the opportunity to combine fun and learning in a way that is truly out of this world.

Space Camp is part of Alabama's Space and Rocket Centre, a 450-acre exhibition of rockets and the history of the space centre program, next

to the National Aeronautics and Space Administration's Marshall Space Flight Centre.

Over the course of five days, these students learned the principles of propulsion and gravity, experienced zero gravity and, finally, conducted a simulated space shuttle mission.

This pilot project is a good example of what can be accomplished through co-operation. In this case, the London Board of Education worked closely with local businesses, service clubs and private individuals to raise over \$10,000 needed to send these kids to Space Camp.

Special recognition should be given to Dr Murray Kucherawy of the London Board of Education, who wanted to give students a reason to learn math and science. These kids also returned with a new appreciation for what will be the work world of the next generation: the world of space.

I would like to congratulate Dr Kucherawy, the community of London and especially the students for showing that they indeed have the right stuff. More students will need experiences like this if they are to face the technological challenges of the 21st century.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Farnan:** The demands of our community college teachers are not unreasonable. With regard to job security, they are not seeking jobs for life; they are asking only for the kind of security that offers retraining in place of layoff and prevents colleges from cutting their costs by replacing experienced full-time faculty with part-time or less experienced teachers.

On the wage issue, they are seeking a settlement that will compensate them for some of the erosion their salaries have suffered over the last few years and that will also enable the college to attract and retrain the quality personnel the students deserve. Further, community college teachers are requesting that management remove from the bargaining table proposed changes in the sick leave plan that could jeopardize their accumulated benefits.

Something has to be terribly wrong when teachers withdraw their services. It is an action of last resort. A just settlement can be achieved only if the government of Ontario takes its share of the responsibility. Colleges have suffered from years of underfunding. If truly meaningful bargaining is to take place, more money has to be provided.

Community college teachers want to go back to work. Their students want to continue their studies. I am calling on the Minister of Colleges

and Universities (Mr Conway) to get our community college students and teachers back into the classroom and to provide quality education by ensuring that our community college system gets its fair share of educational funding.

#### ALTERNATIVE FUELS

**Mrs Marland:** The bells-and-whistles approach of the Minister of the Environment (Mr Bradley) to cleaning up car exhaust will do little to clean up our air unless there is a concurrent program to increase the use of alternative, cleaner fuels. We should stop pollution at its source, not monitor it after the fact with a high-tech computer. We should not have to depend on car manufacturers to clean the polluting exhaust from our cars. We should burn cleaner fuels that do not produce the pollution in the first place.

Ethanol fuels are made from a renewable resource and they actually reduce carbon monoxide and carbon dioxide emissions. They do not contribute to the greenhouse effect. The use of ethanol gasoline can actually result in a net reduction in atmospheric carbon dioxide levels. An ethanol fuel program in Colorado was responsible for reducing carbon monoxide pollution in the metro Denver area by 12 per cent last year.

The city of Toronto just released a report saying carbon levels in the air here are outrageously high. The Minister of the Environment should support a program to encourage the use of clean-burning ethanol fuels in urban areas. We do not need a high-technology solution that will take three years to develop; we need action now. The technology exists and it has been proven throughout the US that it works. Let's get on with the solution now and have our cars fill up with cleaner fuels to clean our air.

#### DEVELOPMENTALLY HANDICAPPED

**Mr D. W. Smith:** On 20 October 1989 I attended three ceremonies in my riding of Lambton to participate in the official opening of six homes for handicapped adults. These homes are located in the villages of Watford and Wyoming and the town of Forest.

I am pleased that the Minister of Housing (Mr Sweeney) and the Minister of Community and Social Services (Mr Beer) supported the Nainstay Group in co-operation with the Lambton County Association for the Mentally Handicapped in developing and managing affordable



residences for mentally disabled adults in communities around Sarnia-Lambton.

The Nainstay Group is a nonprofit charitable organization whose members offer their vision and commitment to the goal of providing affordable housing in Lambton. The Lambton County Association for the Mentally Handicapped has also demonstrated its commitment to addressing the needs of special citizens in Lambton communities. Together, the efforts of these two groups have resulted in the realization of a project which will provide 18 much-needed units for special care adults. This brings a total of 10 homes within the riding of Lambton that the Lambton County Association for the Mentally Handicapped and the Nainstay Group have constructed and are now operating.

At this time, I would like to acknowledge the many people involved in the creation and management of such a worthwhile project. Recognition goes to the efforts of the Lambton County Association for the Mentally Handicapped, the Nainstay Group, Lambton Design Consultants, Boelens Construction Ltd and Wellington Brothers of Forest Construction Ltd. I might add that after visiting these homes—

**The Speaker:** The member's time has expired.

## STATEMENT BY THE MINISTRY

### NURSING

**Hon Mrs Caplan:** It is my pleasure to announce today that my ministry is embarking on a comprehensive approach towards improving the recruitment and retention of nurses in the province.

The findings of four recent reports by the Registered Nurses' Association of Ontario, the Hospital Council of Metropolitan Toronto, the Ontario Nurses' Association and my ministry's Advisory Committee on Nursing Manpower all concluded that the quality of work life for nurses needs to be improved. It is with this in mind that my ministry is implementing a variety of steps to stimulate ways to increase job satisfaction among nurses.

More than \$15 million in total will be spent on six major initiatives for at least the next five years; in other words, about \$3 million per year.

We are establishing a five-year nursing innovation fund. We are establishing an ongoing nursing bursary program. We are creating the position of nursing co-ordinator in the ministry along with two nursing policy advisers. We will be restructuring and broadening the membership of the Advisory Committee on Nursing Man-

power. We will be developing a nursing human resources data centre. We will be funding research into quality of worklife issues in nursing.

Through the five-year, \$5-million nursing innovation fund, hospitals will be encouraged to address such issues as staffing and scheduling, while at the same time universities and community colleges will be funded for implementing new approaches in continuing education.

My ministry will support nursing schools in their efforts to attract high school students, including greater numbers of men, as well as immigrants with nursing degrees from other countries.

Individual registered nurses and registered nursing assistants will also be able to apply for assistance for travel or registration costs to attend courses or continuing education seminars.

### 1350

My ministry is also anxious to address the need for more nurses in hospitals in northern Ontario and certain parts of southern Ontario. To this end, we are creating a nursing bursary program. Each year, up to \$1.5 million in grants will be provided to nursing students in their last two years, and working registered nurses and registered nursing assistants in refresher or specialty training courses. In exchange for these bursaries, recipients must agree to work in a designated hospital or hospital unit after completing their courses.

As the members will recall, I announced last February the amendment of a regulation governing the administration of Ontario's public hospitals to allow for the participation of nurses on hospital committees. Only hospitals which have implemented this change will be able to benefit from the return-of-service provision in the bursary program.

My ministry will also be committing at least \$200,000 annually to a nursing human resource data centre for research and analysis of nursing issues. We will be negotiating a grant with the College of Nurses of Ontario and the University of Waterloo to develop such a centre. The University of Waterloo has been selected because it has particular interest in applied health research, systems analysis and computer applications.

My ministry will also provide \$400,000 annually for research into quality-of-worklife issues in nursing. Collaborative proposals involving universities, community colleges and hospitals will be reviewed by a committee chaired by the nursing co-ordinator.

Nurses play a crucial role in our health care system, and we feel these varied initiatives that I am announcing today are innovative and flexible and will go some distance towards finding solutions to a number of challenges facing nursing, nurses and the nursing profession.

## RESPONSES

### NURSING

**Mr Reville:** In the kind of quaint tradition that comes before ministerial statements, we have members' statements. I got a text today from the member for Middlesex (Mr Reycraft) who told us a very interesting item about Space Camp. Clearly, he should have also told us that the Minister of Health (Mrs Caplan) was a camper at Space Camp recently.

I know this may be hard for you to get immediately, Mr Speaker, but if you bear with me, if you read or even listen to the statement made today by the Minister of Health, you will be able to come to no other conclusion than that she comes from outer space.

She talks about six major initiatives to address problems in nursing. These are some of the dopest initiatives I have ever heard of, and I have heard a lot of dopey initiatives from this government. Of course, \$3 million a year for the Ministry of Health is petty cash. It is probably kept in the upper right-hand drawer of the minister's desk.

She cites, as though it might be referred to in the document, a collection of reports from people in the nursing business or people who know what they are talking about in nursing, the Registered Nurses' Association of Ontario, the Hospital Council of Metropolitan Toronto, the Ontario Nurses' Association and her own Advisory Committee on Nursing Manpower, and then has the unmitigated gall to go on and talk about initiatives and innovations, in the kind of sappy way this government does, which have nothing to do with the recommendations made by those four august bodies.

The minister has not addressed the fundamental problem in nursing, and that is that her government has failed and continues to fail to provide adequate money for their pay. These dopey little courses and this five-year nursing innovation fund will not address that problem in the slightest. One wonders whether the nursing innovation fund will include such courses as How to Become a Real Estate Agent, because in fact that kind of career seems increasingly attractive to people who are tired of getting the short end of the stick in our health care system.

There is a stick mentioned. She is going to beat the hospitals that have not implemented the regulation governing the administration of Ontario's public hospitals to allow for the participation of nurses on hospital committees. The minister must have, as I do, a very bulging file full of outraged comment from nurses right across this province, in virtually every hospital of this province, who have been having the very devil of a time getting their hospital administrations to implement the very first and splendid initiative of this minister: to get nurses involved in the administration of their hospitals.

Some hospitals, Mr Speaker, and this I know you will find hard to believe, have in fact established the ability of nurses to serve on the committees, but then they established other committees on which nurses do not sit, to which those committees on which the nurses are must now report. Can you imagine anything more galling than that? This minister stands up and says, "We're going to give \$400,000 annually for research into worklife issues in nursing." If she handed out a bag of quarters, nurses in Ontario would be glad to call her up and tell her what it is like to work in the health care system in Ontario, and if she had a little delay on her phone she would not have to hear some of the hotter language they would want to use.

This minister and this government continually disappoint in coming to grips with real issues in health care; this is another example.

While I am on my feet, I cannot help but mention the earlier statement of the minister, which came out in the form of a wonderfully glossy press kit about a quality assurance conference, 54 pieces of paper printed on one side, in loud defiance of government policy. All very interesting, all very esoteric, but it does not deal with the real problems in the health care system today. Why does this government not get on with the job?

**Mr Eves:** I will try to refrain from making the comments about Space Camp. I do want to point out that this is sort of a good and bad news story. I do want to point out the good points in the minister's statement this afternoon. I think they are on page 2 of the minister's statement, where she talks about her \$5-million nursing innovation fund, where at least they are going to make a start towards staffing and scheduling, which are two underlying problems in the nursing profession that have been there for quite some time.

I also would like to acknowledge the statement that she is making with respect to her effort to attract students to the nursing profession in the



province of Ontario. However, that is unfortunately about the end of the good news in the minister's press release this afternoon.

We have waited many months now, in some cases as long as a year. There have been four major studies with almost unanimous recommendations in 14 or 15 major areas as to what actions have to be taken to address the nursing shortage in Ontario. Before today, the minister had addressed or tried to address exactly one of those 14 or 15, and that was by passing a regulation in February of this year that hospitals had to include nurses on important committees in hospitals by 30 September of this year.

The Speaker may recall, as I am sure other members will, that last Wednesday I asked the minister this very question, as to how many hospitals in the province had complied with regulation 83/89. We never did get an answer, but I presume from the minister's roundabout answer to the question that the answer is zero. Not one single hospital in the province to date has complied with the regulation that she imposed as Minister of Health, which she should be making sure is complied with by every hospital in the province on the due date.

I would point out a few other problems in the nursing profession, which should go without saying but, obviously, seeing as how they are not addressed in the minister's statement today, I might want to remind her and others of some of the more important points in the nursing shortage problem in Ontario.

The RNAO recommended the establishment of a health manpower institute for all health professions, which would be an independent body, although funded by the Ministry of Health, would be totally independent and would choose its own representatives from health professions around the province. To date the ministry has not seen fit to do this and instead chooses to go the rather at least semipolitical route of the Premier's Council on Health Care Strategy, instead of getting down to some real solutions to some of the very real problems in our health care system today. I do not see anything in the minister's statement about assistance in the form of money or compensating or rewarding nurses for their expertise and experience.

**1400**

I found it rather shocking, actually, that a nurse with experience—for example, an ICU nurse with 20 years' experience—makes somewhere in the neighbourhood of \$4,200 to \$4,300 a year more than a nursing graduate who graduated yesterday. I think that until we start to

address some of these major issues in the nursing profession in the province we are going to be here just talking about airy-fairy ideals instead of real, commonsense, down-to-earth practical solutions to some very real problems.

As to the minister's statement on the bottom of page 3 and top of page 4 about establishing \$200,000 annually and \$400,000 annually for more research, I would suggest to her that enough research has already been done on what the real acute problems in the nursing profession are in the province, and I would urge and encourage the minister to address some of those in some real and practical ways.

**Mr Brandt:** When the minister talks about improving job satisfaction for nurses, one of the things the minister is going to have to address is the fact that the nursing profession today is very frustrated because approximately one third of the total time they are on the job is spent performing non-nursing functions. That is one of the key frustrations that they have been faced with and which they have told the minister repeatedly they want to have corrected.

What she has announced today in no way addresses that particular point. As my colleague mentioned, the nurses in addition have a considerable amount of frustration with the fact that there is really no consideration given to those nurses who have particular expertise or experience after a long number of years in the profession and are in fact carrying out responsibilities that are well beyond that of a recently graduating nurse.

Time is not going to allow me to get into the next part of it, Mr Speaker. Thank you.

**The Speaker:** That completes the allotted time for ministerial statements and responses.

## ORAL QUESTIONS

### POLICE SHOOTING

**Mr B. Rae:** I have a question for the Solicitor General. He will, I know, be aware of the tragic circumstances over the weekend in which a young woman named Sophia Cook was apparently shot by a police officer.

The question I have for the minister is this: His predecessor established a task force, the Clare Lewis task force, which had some very specific recommendations on the use of force and changes to the Police Act and also some very specific recommendations about post-shooting investigations. On that subject, I want to ask the minister this: The task force makes it very clear that to have the police investigating the police is not adequate, and he insists on the establishment

of a new team which would be under the jurisdiction of the Solicitor General, under his responsibility, which would consist of police officers and of civilians who would be independent of any police force in the province—

**The Speaker:** And the question?

**Mr B. Rae:** —and who would be responsible for reporting directly with respect to possible criminal charges. I want to ask the minister: Why has the government not proceeded at all with this particular recommendation?

**Hon Mr Offer:** First, let me indicate that the matter of last Friday is currently being investigated, as we know, by the OPP. They are conducting a full and exhaustive and speedy investigation into this matter.

Dealing with the task force report, I would like to indicate that the 57 recommendations are in the final stages of analysis. I have taken it upon myself as the Solicitor General to review the purpose and the object for each of those recommendations. They are now in their final stages. I expect to be making a full statement on all of those recommendations in the very near future.

**Mr B. Rae:** The report says, in referring to the fact that in other situations either the OPP is asked to investigate the Metropolitan Police Force or, alternatively, sometimes the Metro Police Force or the Windsor Police Force is asked to investigate the activities of the OPP—I want to refer the minister specifically to what Mr Lewis had to say about this. He said, "...this variation does not go far enough in providing the necessary level of independence."

That is a very direct response to what the government asked the task force to look at. The minister does not require changes in the Police Act in order to carry this out; all he requires is an administrative decision on his part with respect to what will happen when such incidents occur. We had the case of a young man who died after altercations with the police; we now have the case of a young woman who has been shot, in the last six weeks.

**The Speaker:** And the question might be?

**Mr B. Rae:** I would like to ask the minister, again coming back to this question: Does he believe that Mr Lewis is right when he says that we do not have an adequate independent investigation or is he saying that Mr Lewis is wrong? Which is it?

**Hon Mr Offer:** I think one has to keep in mind that the report dealt with 57 very important recommendations. I very much believe and agree

with the general thrust of the report in terms of the direction and the road it leads us down, but it has to be stated that that is one of 57 recommendations.

I view it as my responsibility to examine each and every one of those recommendations with a view to what the purpose of the recommendation is, with a view to what the object of each of those recommendations is and to respond accordingly. I take that very seriously and I would like to indicate that I am in the final stages prior to a full decision on the matter. I expect to be making that decision and report in the very next while, but I do stress that it is one of 57 recommendations, each of which is very important, each of which is deserving of a response.

**Mr B. Rae:** This government has been saying since last December, nearly a year now, how important it is. His predecessor told us in December, speaking of discrimination: "Neither the reality, if such there be, nor the perception can be tolerated for one minute longer. I have asked Mr Lewis to provide me with a comprehensive report and the recommendations of the task force no later than two months from this day," and she talks about recommendations with a view to their implementation. That was the commitment made by his predecessor last December.

I think we are entitled to an answer and I think the family of Miss Cook is entitled to an answer today from this minister. Does he or does he not feel that an independent investigation is required, or is he satisfied with the status quo which has not changed in the last 20, 30, 40 years, with the police simply investigating the police? Which is it?

**The Speaker:** Thank you. Minister?

**Hon Mr Offer:** Again, let me say that dealing with the report as a whole, dealing with some of the principles which it envisages, dealing with some of the direction it wants to take us, I am in agreement with that type of direction. I would like to indicate that there are 57 very important recommendations, all of which deserve no less than a full response by this government. It is our commitment that we will be making such a response, that I am in the final stage prior to such a response, and I expect to be making such a response in the very near future.

## CANCER TREATMENT

**Mr B. Rae:** I have a question for the Minister of Health concerning cancer treatment. The House will be aware and the minister will be aware that last week the Toronto-Bayview Regional Cancer Centre sent out a letter to all



referring physicians which basically said that patients who previously had been referred to the Bayview centre would have to join the Princess Margaret Hospital patients in terms of this province-wide, indeed Canada-wide, and in some cases North America-wide, referral system because of the backup in the system and the unacceptable delays in treatment which were being imposed on patients.

I want to ask the minister some very specific questions about the statements that were made by the director of the centre. The director of the centre says: "Obviously the necessity for this crisis plan has caused us much grief. We believe that the severe shortage of radiation treatment technologists will be resolved within six months and this is the likely duration of this emergency plan."

I want to ask the minister: Can she tell this House categorically that in her opinion the shortage of radiation technologists will be resolved and this issue will be out of the way in six months?

**1410**

**Hon Mrs Caplan:** I want to say to the Leader of the Opposition that I understand the stress of cancer patients who must go through treatments. My priority is to ensure that all patients have the access to the treatment that they need when they need it. We are working together with all of our partners—the doctors, the nurses, Princess Margaret Hospital and the eight Ontario Cancer Treatment and Research Foundation centres—to ensure that people get the care they need. I want him to know that is the reason the referral centre was established.

He knows that many patients are referred to Metropolitan Toronto who could be treated in other centres and that we are acting together, not only on the human resources side to ensure we have the staff we need, but that we also work together to develop the kind of network within our system that will plan, not only for today but for the future, so that people can have that service as close to home as possible. But our priority is to make sure people get the service they need when they need it, and I want to tell him I am assured that in fact people are getting the treatment they need.

**Mr B. Rae:** Out of kindness to the minister, I asked her a very specific question. The minister knows, as we all know, that it is the shortage of radiation technologists that lies at the heart of the fact that we now have two machines at Princess Margaret that are not working, which is just an absolute tragedy when we consider the resources

we have. The Bayview centre now says it is having to cut back its hours from 10 hours to eight.

I asked the minister a question. We are entitled to an answer. The doctors are being told by the director of this centre that in his opinion—and I can only assume he is basing this opinion on some information he has from the ministry—"We believe the severe shortage of radiation treatment technologists will be resolved within six months."

Have any of the minister's officials led Mr Jenkin or anyone else to believe that she has a plan to solve the radiation technologist shortage within six months? If she does have such a plan, could she kindly tell us what it is?

**Hon Mrs Caplan:** I am pleased to share with the Leader of the Opposition and with all members of this House the information we have on how we are working together to address the many challenges facing us. For example, and this is just one example, we know that by January, Princess Margaret Hospital expects to have enough technologists to open the two machines which are presently not being staffed.

We know, as well, that early in the new year they will have five new people ready, arriving to help with the staffing situation at PMH, but this is just part of the overall plan to develop a network across the province. We are actively recruiting, with support from the ministry's underserved areas program, to support the kind of initiatives being taken by Princess Margaret Hospital, the Ontario Cancer Institute, and the Ontario Cancer Treatment and Research Foundation co-operatively, which will help us to make sure people have the services they need when they need them.

**Mr Reville:** What we are trying to get from this minister is a base-line kind of comment. It is the kind of thing my friend the member for Etobicoke-Lakeshore (Mrs Grier) was after her for in other matters. We want to know: Is this problem going to be resolved in six months? Does it require, as the director at Toronto-Bayview Regional Cancer Centre suggests, the creation of two additional regional cancer centres in the Metropolitan Toronto region? That is my question. Is she going to establish two additional regional cancer centres here?

**Hon Mrs Caplan:** As the member knows, we have announced the establishment of the Ontario Cancer Control Agency. We have done that with the co-operation of the Ontario Cancer Treatment and Research Foundation, the Ontario Cancer Institute and Princess Margaret Hospital, as an

acknowledgement that we are taking a systems-wide approach, building a network, bringing all of our partners to work with us to make sure we respond appropriately to meet the needs of the people of this province. I want to tell the member, the referral service that is in place at Princess Margaret Hospital is ensuring people get the care they need when they need it.

### HOSPITAL SERVICES

**Mr Brandt:** My question is also to the Minister of Health. The Ontario Hospital Association recently conducted a poll which indicated that fully 50 per cent of the residents of this province are concerned about having quick access to major treatment in hospital, either heart surgery or cancer treatment, and a fully 50 per cent increase in the number of people who are dissatisfied with the health care system.

Surely it must bother the minister that there is a level of deteriorating confidence in the health care system as a result of these waiting lists that my colleagues have just talked about and the concerns that are developing in the health care system. Does the minister have a plan that will, in fact, reduce these waiting lists, and if so, would she share that with us?

**Hon Mrs Caplan:** The leader of the third party knows that, in fact, not only do we have a plan, but we are working with all of our partners in health care to ensure that we respond appropriately to the challenges facing us in partnership with the doctors, with the nurses, with the hospitals, their administrators, all of those who know that we can always do a little bit better tomorrow than we did yesterday, and that, in fact, by working co-operatively together, we can, I believe, look at the fact that 75 per cent of the people seem to be satisfied. I will never be satisfied until everyone feels that he is well served by the health care services delivered in this province.

**Mr Brandt:** Let me tell the minister why there is a continuing degree of dissatisfaction with the health care system, and that is that her ministry promised some 4,400 hospital beds and an expenditure of \$850 million. Of those 4,400 beds there have been 300 new beds delivered, and at the selfsame time there have been 2,000 beds removed from the system, a reduction from 51,000 to 49,000 beds, so that we actually have fewer beds available in the system now than we had just about three years ago.

Can the minister tell us how this is going to shorten the waiting period for cancer treatment, for heart surgery or for other emergency services,

when, in fact, we have fewer beds in the system to allow for those kinds of treatments to be available to the Ontario public?

**Hon Mrs Caplan:** I want to thank the member for the question because it gives me an opportunity, again, to talk about how we are focusing on people and the services that they need and the alternative ways of providing that service. One example is the Independent Health Facilities Act, which acknowledges that you can provide more services to more people on an outpatient and an ambulatory basis with safe, quality care in a community base setting than you can with one person in one bed.

Just a few years ago—and we heard this at committee—one person had to be in one bed for five days to have a cataract operation. Today that can be provided in an alternative setting where one person for one day has that done on an outpatient basis; therefore, five people can be accommodated. By looking at how services are provided, using new technologies and focusing on people, we know that beds are no longer the benchmark of services and that is important for us to focus on how we can provide those services to the people of this province not only in the most convenient location, close to home, but ensuring that they are getting the quality of care that we all want for the people of this province.

**Mr Brandt:** The minister, in fact, established beds as a benchmark back in 1986. It was the ministry's announcement, made through the previous Minister of Health, and this government has not had the intestinal fortitude to come forward at this point in time and indicate whether it will even fund that program. The new benchmark for health care in this province is to be put on a waiting list. It has nothing to do with the kind of rhetoric that the minister shares with us in this House. Cancer patients are being flown out of the province; heart patients are leaving the country. A deal had to be made with the city of Detroit in the state of Michigan in order to look after patients from my end of the province, in Windsor and in Sarnia, because they cannot get any access to heart surgery.

When these problems are emerging on a daily basis, when people are, in fact—and this is not an exaggeration—dying on waiting lists, how can the minister stand up and completely ignore the promises her government made? When is the minister going to fulfil the commitment made to the people of this province?

**Hon Mrs Caplan:** The Premier's Council on Health Strategy and others have brought to our attention the fact that services can be provided in



alternative ways and that we should be looking at the expansion of community-based services. We are determined to do the right thing in the communities of this province, and we only have that opportunity to do that planning before the shovel goes in the ground.

I want the member to know that we are focusing on people, the services that they need and the alternative ways of being able to provide those services because we want the people of Ontario to know that we are going to be able to meet the real and changing needs of the people of this province.

**1420**

**Mr Brandt:** My second question is for the Premier (Mr Peterson) who has not arrived yet. It will be asked by my colleague the member for Burlington South (Mr Jackson). I would ask that the question be stood down.

**The Speaker:** Is there agreement to stand down the second question? I believe it has been agreed; therefore, I will ask for another new question.

#### FRANCOPHONE COLLEGE

**Mr Allen:** I have a question of the Minister of Colleges and Universities. On 6 March this year in Sudbury, the then parliamentary assistant to the Minister of Colleges and Universities, the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin), made an announcement of a study that would be undertaken by the minister of the collegial needs of francophones in Ontario, thinking towards a college for the French community in the north. That commitment was reiterated again in April and a firm by the name of ACORD was commissioned to make the study. That study was deposited with the Minister of Colleges and Universities at the end of July, and from that moment on absolute silence has reigned.

Would the minister please tell us what is the long delay in making this report public? Why does the French community not have it in its hands so it can be thinking concretely about its prospects or the feasibility of such a project?

**Hon Mr Conway:** Mr Speaker, through you to my friend the member for Hamilton West, I shall try to be clear. The reports to which the honourable member makes reference are being prepared. I expect to release those reports very soon, and at the same time to indicate a process of consultation so that the material is not just released but that there is an opportunity for the community to see what is being suggested and to react to it, because, like my friend the member

for Hamilton West, I am very anxious to proceed to make progress in this very important area of francophone education.

**Mr Allen:** I believe on both occasions when this study was announced there was a commitment made that there would be consultations this fall. Over the weekend a large number of francophone groups in the north met at Sault Ste Marie in order to consider this question of collegial services and the college for francophones in the north. To put it mildly, they are becoming very impatient with the fact that the process appears to have been delayed or held up.

Would the minister perhaps hazard a date on which he would be prepared to begin those consultations, and can he give us some sense of the time line for the development of a college for francophone northerners?

**Hon Mr Conway:** There are a couple of points. The production of the reports took a little longer than expected. I can appreciate the interest of the community, but I would say this to my friend the member for Hamilton West and to the francophone community: I think they will understand and they will appreciate the excellent sensitivity and progress that the Peterson government has made over the four years and four months it has been in office in addressing their real aspirations, and it will be the same in this respect.

I have very happy memories of working under the leadership of this Premier and with people like my friend the member for Hamilton West and the member for Lake Nipigon (Mr Pouliot) to advance very significantly francophone education in a couple of other areas, and I am no less enthused about our opportunities to move forward in a co-operative and a consultative way in these matters as well.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Jackson:** I have a question for the Premier concerning the 13-day-old community college strike in our province. On Thursday last I asked a question of his Minister of Colleges and Universities (Mr Conway), who agreed with me that both parties in this dispute should be returning to the bargaining table immediately, where a solution can be found, yet to date his minister has done nothing to assist and facilitate that.

This morning on the CBC, on the Metro Morning program, the minister told the students in this province that they should continue to put pressure evenly on both sides in this dispute so

that they can get back to the bargaining table immediately.

My question to the Premier is, why are he and his government not practising the very advice that they are giving all the community college students in this province regarding this strike?

**Hon Mr Peterson:** I have every confidence in the minister, and I think he can respond to the member's question about how he is handling this matter.

**Hon Mr Conway:** I had the opportunity, over the course of the weekend just concluded, to meet with a number of students and a number of instructors who are involved in this current withdrawal of services. I took that opportunity, as I did on a number of radio broadcasts today, to reiterate this government's concern about the impact of this withdrawal of services upon the student community, about our belief that the free collective bargaining process is a right and appropriate course of action to resolve these disputes and my strongly held view that a settlement can and will be achieved by those responsible parties accepting their responsibilities under the process and under the act by returning immediately to the table to get on with the question that concerns all of us, ending this in the students' interest immediately.

**Mr Jackson:** The reason I asked the Premier to look at the apparent contradiction in the minister's approach in this conflict—there was a reason for that—is because there are legitimate contradictions in the way the minister is approaching this.

Again, on the CBC this morning, the minister admitted that he was going to be waiting for the College Relations Commission to inform him at what point students would be losing their school year.

On the one hand, how can he say that both parties should get back to the table and seek an immediate resolution in this impasse when his only publicly stated course of action to date is to sit and wait and find out when the students' year is going to be in jeopardy? They contradict each other.

**Hon Mr Conway:** My learned friend the member for Burlington South is a very knowledgeable member of this Legislature and what he and his colleagues would want me to observe is what I observed this morning and on other occasions as to how the Colleges Collective Bargaining Act functions.

The question that was raised this morning, quite rightly, and that will continue to be raised as long as the dispute involves the withdrawal of

services, is what about the students and their academic programs. I have made the point that is clearly spelled out in the act; that is, there is a body called the College Relations Commission, a group of very wise and knowledgeable people who monitor this kind of a dispute on a daily basis, and it is its statutory responsibility to ascertain whether there is a state of jeopardy. Should it so ascertain, it then makes that finding known to me or to whoever else happens to be the Minister of Colleges and Universities.

**Mr Jackson:** The minister knows that different college programs for different college students will be in jeopardy at different times. It is most inappropriate for the minister to hide behind that answer when this important issue must be addressed. It is his only course of action to date.

The minister has consistently denied in this House that his government has an interest at the bargaining table in this dispute. The mediator, Terry Mancini, is there on behalf of the province in the best interest of making sure both parties come together, and yet Ian McArdle is at that bargaining table as the minister's specific ministry representative and he sits with the Council of Regents bargaining team.

Will the minister not now admit in this House that he is unwilling and his Premier is unwilling to help resolve this strike by encouraging the mediator Terry Mancini because, in fact, Ian McArdle sits at the table on the minister's behalf representing him and the Council of Regents?

**Hon Mr Conway:** My learned friend is, surprisingly, wrong a second time. Mr McArdle does not represent me at that negotiating table. He is a resource person to the Council of Regents but he does not represent the minister.

I want to say that when the Davis government passed the Colleges Collective Bargaining Act, it rightly imagined that there ought to be a mechanism to ascertain jeopardy in the case of a withdrawal of services at the elementary, secondary or post-secondary level of education. The Davis government rightly observed and appropriately enacted that under the statute it would not be appropriate for members of the Legislature or members of the executive council to discharge that responsibility.

The Davis government wisely provided, in the appropriate legislation, that an independent body of expert individuals, namely, the College Relations Commission, should have that very important obligation, which is properly theirs under the statute—I have every confidence, and I know, they are meeting that in every respect—and



no jeopardy finding has been so determined by that august group of men and women thus far.

**1430**

### CANCER TREATMENT

**Mr Eves:** I have a question of the Minister of Health. I would like to go back to the cancer treatment issue. This issue was first raised in the Legislature recently, on 14 June 1989, when we asked the minister about the problems at that time that were happening at Princess Margaret Hospital. Her response did not even mention a shortage of radiotherapy technologists. She talked about her director, Dr Aileen Clarke, going ahead with a new plan.

When the minister was asked again in the Legislature later in June and a couple of times in July, she indicated that her plan was to distribute the load of cancer patients to other centres around the province, namely, Kingston, which she mentioned. We now see that since the end of September some 90 patients have been referred to places such as Thunder Bay, Ottawa and Windsor and two patients to Halifax, some 30 in the last two weeks alone, as was pointed out, I believe, by the Leader of the Opposition (Mr B. Rae) earlier in question period.

Is this all part of her master plan to take care of cancer patients in the province?

**Hon Mrs Caplan:** I want to restate again that the first priority is and must be to see that people get the treatment and services they need when they need them. We are working together with the Ontario Cancer Treatment and Research Foundation, which has eight centres across this province. We are also working with the Princess Margaret Hospital and the Ontario Cancer Institute together to make sure that people have access to those services as close to home as possible.

The member knows, because we have discussed it in this House, that many issues facing health care are not unique to Ontario. Staffing considerations and availability of services are things which we want to make sure are developed by a comprehensive network approach so that people can be referred appropriately. That is why we established the patient referral centre at the Princess Margaret Hospital. I understand that the referral centre is working well and that people are receiving the treatment and services they need when they need them.

**Mr Eves:** It would appear that in July, when answering a similar type of question, the minister's answer to "as close to home as possible" was Kingston. Now as close to home as

possible is Thunder Bay, Ottawa, Windsor and Halifax. I would hate to think what is going to happen next month.

I have a letter, which I am sure the minister is aware of, from Dr Jenkin, the director of the Toronto-Bayview Regional Cancer Centre. He talks about how the Ministry of Health has been integrally involved in the initiation of this program; that is, to send patients elsewhere in Ontario, elsewhere in Canada and then to the United States—Detroit, Cleveland, Rochester, New York, Philadelphia and Minneapolis are named, to name a few.

Dr Jenkin finds that "at the present time it is not uncommon for there to be an interval as long as three months between surgery and post-operative radiation in 'well' patients, as in early breast cancer, for example. This is an intolerable situation." He goes on to say that we need at least two more regional centres in Metropolitan Toronto. Hamilton is in trouble. We need others elsewhere.

Does the minister have a specific plan, as asked by the Leader of the Opposition earlier, to address this very specific problem? And is she prepared to assure us that by the end of this year, all these problems for cancer patients will be solved?

**Hon Mrs Caplan:** I want to assure the member and all members of this House, and in fact all those who share my concern that we respond appropriately by setting our priority and making sure that people get the care they need when they need it. We appointed a cancer care co-ordinator, Dr Aileen Clarke, and a plan, in co-operation with all our partners in health care, is being developed not only for the short term, as the member is well aware, but also to make sure that in the longer term we work with the Ontario Cancer Control Agency to make sure that people will receive the services they need and that those services are provided as close to home as possible.

### RENT REGULATION

**Ms Poole:** My question is for the Minister of Housing. Several weeks ago I spoke to the minister regarding a disturbing trend affecting tenants in my riding. Increasingly, landlords have been seeking large rent increases based on questionable capital expenditures: 66 Broadway Avenue, 20 per cent approved; 365 Eglinton Avenue East, 37 per cent approved; 44 Dunfield Avenue and 33 Holly Street, 25 per cent requested; 221 Balliol Street and 265 Balliol Street, 39 per cent requested. All this is for new

kitchens no one wants, new dishwashers no one needs, redecorated lobbies no one asked for and expensive upgrades no one can afford.

I would ask the minister if he would consider amending the regulations to give discretion to rent review administrators and appeal board members to disallow unnecessary, cosmetic or luxury renovations and repairs.

**Hon Mr Sweeney:** I appreciate the honourable member raising this particular issue, because a number of tenants have spoken to me about the same concern. Let me share with my honourable colleague the same thing I shared with them. It would appear that there are some unnecessary renovations. The difficulty we have in terms of changing the legislation is making a distinction between what is necessary and what is unnecessary.

The landlords in this province are required by legislation to keep their buildings in good repair, and in the existing legislation there is no distinction as to how they come to that conclusion. Since the buildings are their buildings and their assets, their responsibility is to see to it that they are kept up in a proper manner.

We recently had occasion to look at a very large renovation project, something in the neighbourhood of \$800,000, and the complaint from a number of tenants was, "We are getting unnecessary microwave ovens." However, on further investigation, the microwave ovens represented \$10,000 of that \$800,000; therefore, they were not significant in the entire project.

Yes, we are open, but the clear difficulty—

**The Speaker:** Thank you. Order.

**Ms Poole:** In consultation with tenant organizers, I have prepared a draft which proposes to change the regulation. If this change were adopted, only those capital expenditures necessary for maintaining a building in a good state of repair and fit for habitation would be allowed without the express agreement of the affected tenant or tenants.

I do not expect the minister to give me an instant answer, but I am going to have a page take over the exact wording of my proposed amendment to the minister. Will the minister undertake to examine this proposal with a view to offering tenants the protection they need?

**Hon Mr Sweeney:** I had previously asked my staff if they could come up with wording that would be acceptable and would work. Thus far, we have not been able to. I certainly will take this into consideration and ask them to examine it.

## TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** I have a question to the Premier about the situation in Temagami. It is my information that construction has started again on the Red Squirrel Road extension. I am sure the Premier will appreciate that this is seen by the native community and by many others as, I would say, even a provocative act in the sense that this is such a controversial issue.

By authorizing this continued construction, is the Premier saying in effect that he is not interested in further discussions and negotiations with the native people or with the environmental community about a possible compromise with respect to logging in the area?

**Hon Mr Peterson:** I regret that some would see it as a provocative act. My honourable friend may be right in the way he describes it—I am not sure about that—because it is not intended to be a provocative act by any stretch of the imagination.

I think the government showed its reasonableness when there was a court challenge on the injunction to stop the construction for a week. As the member knows, this has been through two courts at the present time, through the High Court of Ontario and the Supreme Court of Ontario. The Attorney General (Mr Scott) will help me out if I am wrong. It has had a number of applications for injunctions along the way. Everything the government has done has been with the approbation or the approval of the courts.

That does not address the second part of the member's question with respect to the land claim. I can tell him that the offer is on the table. We will sit down any time to negotiate that land claim, and we are ready, willing and able. To the best of my knowledge, that was one of the first land claims ever offered by a government in the history of this province. We stand by ready to discuss that matter and hopefully we can come to a successful resolution.

## 1440

**Mr B. Rae:** The Premier well knows that as long as the construction continues and plans are in place for logging directly in the area, which he knows is the case, that flies in the face of reaching a bona fide settlement with the Temagami Anishnabai.

If the Supreme Court of Canada rules in favour of the band and against the government of Ontario in two years' time, what will the Premier say to the band in terms of what it can do with the trees which he has authorized to be logged and cut down and with the land which he has authorized be used by the logging companies?



Just exactly what will his response be to that band when the resources upon which it is relying for its economic future have already been used up under authorization of his government?

**Hon Mr Peterson:** The first message I will give is that this government will respect the law, and I think it is important that all members of this House signal accordingly that they would respect the law.

I understand that the outstanding claim has been going on for a long period of time. The Attorney General tells me he is willing to sit down any time on the land claim matter. The band apparently, at this moment, has decided not to talk about it, but we stand ready, willing and able to discuss the outstanding land claim.

Second, with respect to the management of the timber in that area, we have invited local participation, including the Temagami Wilderness Society, the environmentalists, to assist in that. There is no intention to go in and clear-cut sensitive areas. There will be a determination of what the sensitive areas are and how we can manage this as an ongoing resource for the benefit of not only the band but other people in the area.

I think our position has been enormously reasonable. I understand how polarized this matter has become, but I think my own sense is, as more and more people understand how this process has developed and the fact that we invite participation from all sides, that there can be a reasonable and thoughtful conclusion in this matter when everybody can win and we can work together to find a successful resolution.

#### CANCER TREATMENT

**Mrs Marland:** My question is to the Minister of Health. I must say that the minister's excuses are cold words of comfort to the Toronto-area cancer patients who have to be treated in other than local hospitals.

A constituent of mine is a new cancer treatment patient. This woman could not be accepted at Princess Margaret Hospital, where the shortage of radiation therapists has linear accelerators sitting idle. She has been referred to Ottawa for treatment. While in Ottawa, she will be unable to continue to work. She may have to travel alone or have her husband go with her, but he would have to give up his income in order to remain with her for the duration of her treatment so far from home.

Does the Minister of Health think it is reasonable for my constituent to have to lose income, for her husband to have to lose income

and for her go without the important support of family and friends while being treated in Ottawa when radiation machines sit unused in Toronto?

**Hon Mrs Caplan:** I do not think there is anything more distressing to me personally than to see a member in this House rise and ask the kind of question that was just asked.

We want the people who need service to have it. We want them to have it when they need it. We want them to have it as close to home as possible. If during this time she is suggesting that we are not doing everything possible to accomplish that, then let her stand in her place and say so because that is wrong and she knows it is wrong.

**Mrs Marland:** What is wrong is that a patient in Ontario in 1989 has to go to Ottawa for treatment simply because we do not have the technical people in our city when we have the equipment here.

I want to further this question about this particular patient. With regard to the financing of this constituent's radiation therapy in Ottawa, although OHIP will pay for the therapy and the transportation, the cost of accommodation and meals is being borne by the Canadian Cancer Society, which is only partially funded by the government.

If the treatments last several weeks and my constituent wants to return home between them she will have to pay for the travel and accommodation out of her own pocket. She may well need to return home, I would suggest to the minister, for some reinforcement and moral support.

**The Speaker:** And your question might be?

**Mrs Marland:** My question is this: Why is the government of Ontario not accepting full financial responsibility for this crisis in cancer care, which has been brought on by its mismanagement of the health care system? Why is the government not paying the full cost of my constituent's cancer treatment?

**Hon Mrs Caplan:** The member opposite does a disservice to the people of this province and to the doctors and the nurses, to the boards of trustees, when she suggests that we are not working together, because in fact we are.

Her constituent, like every other patient in this province who requires care, is going to receive that in one of a number of centres across this province and, if necessary, outside this province, although we hope that is not going to be necessary. We are going to do that with the support and co-operation of the Canadian Cancer Society, to make sure that people do not have to bear the cost.

But we want them to know that whether they are treated in Ottawa, Thunder Bay, Windsor, Hamilton, Sudbury, Kingston or Toronto, they will receive the care they need, fine-quality care by the doctors and the nurses working very hard to make sure they get the treatment they need and that it will be high-quality care.

**Mrs Cunningham:** Oh come on.

**Hon Mr Scott:** The high road to leadership, Dianne.

**Mrs Cunningham:** It's a good thing it isn't your mother, Mr Scott, or your neighbour.

**The Speaker:** There are other members waiting patiently to ask questions. Order. I wonder if the Attorney General is finished?

#### TRAFFIC DELAYS AT BORDER CROSSINGS

**Mr M. C. Ray:** I have a question for the Minister of Transportation. It concerns the impediments to highway traffic between the state of Michigan and the province of Ontario, the long delays in lineups at the Ambassador Bridge and the Detroit-Windsor tunnel.

Members of the Legislature will know the importance of free-flowing highway transport to the Ontario tourist industry and to Ontario industry in general. The minister will have a special sensitivity to the needs of Windsor, the needs of our plants, the needs of our auto industry and auto parts plants for just-in-time delivery of inventory. The minister will also know of the special dependence of the city of Windsor tourist trade upon short-term visits from Michigan and Ohio and particularly convention business from the city of Detroit to our city.

In recent months there have been serious delays at the border crossings, and my question for the minister is could the minister advise the House on what he has done since taking office as Minister of Transportation to bring an end to these delays?

**Hon Mr Wrye:** The honourable member is obviously very sensitive to a problem, as I am, that has been occurring not only in the Windsor-Detroit area but also in the area of Sarnia and Port Huron with the Bluewater Bridge; that is, there has been a very sharp increase in the amount of traffic going in both directions, the instances of delays have been increasing and some of the delays have become very substantial indeed.

We have been working with the federal government in an effort to improve the movement of truck traffic, particularly off both ends of the two bridges, and have been urging that a

study be undertaken. I can advise the honourable member that a \$100,000 study is now under way, jointly funded by this government, the government of Canada and the state of Michigan, which is looking at the impact of this very serious problem of the flow of transportation at the two bridges and at the Detroit-Windsor tunnel.

**Mr M. C. Ray:** With regard to the study, can the minister give us some reasonable estimate of when we can expect that study to be concluded and some action to be taken with respect to this problem?

**1450**

**Hon Mr Wrye:** The study began in mid to late September. It should be completed by the middle part of January next year. So it is only two or three months away.

I can tell the honourable member that while the focus of the study is an attempt to ease the current problems, we are not only looking at the present infrastructure, we are looking in detail at the causes of the current problems and, indeed, where the greatest impacts are. Are they on tourism? For example, with the reopening of Windsor Raceway in my own community, what are the impacts on that raceway of the lineups at the bridge? Having looked at the problems and who is most affected, we are looking at the plans that are in place from both bridge organizations and the US Detroit-Windsor tunnel organization to solve the problems, as well as at other potential solutions. So we are trying to look at solutions without really getting into the building of a new bridge that will solve the problem into the 1990s.

#### CANCER TREATMENT

**Miss Martel:** I have a question for the Minister of Health concerning the oncology beds promised for the cancer treatment centre in Sudbury.

On 28 September, the health and social services committee of the regional municipality met to discuss whether or not funding for the beds was actually going to be delivered as promised. On 13 October, both the minister and the Minister of Northern Development (Mr Fontaine) were in Sudbury at the centre itself and yet there was not an announcement made concerning funding for the beds. Last Friday, I spoke with the director of Laurentian Hospital and the director of the oncology department and confirmed there was still nothing in writing concerning when the beds were going to be approved.

I would like to ask the minister if she can tell the House when the oncology beds will in fact be approved.



**Hon Mrs Caplan:** In fact, as the member knows, I was recently in Sudbury. We consider the service that Sudbury provides to cancer patients in the province of Ontario to be not only of fine quality but also to be a very important partner in the network of services across this province. She knows as well that active planning is under way at the present time to ensure that the centre in Sudbury will meet the needs of the people of the north, northeastern Ontario and those people who are referred as part of the network in Ontario.

I want to assure her that we are committed to making sure that the people of Sudbury and those who rely on Sudbury have the access to the services that they need and that active planning is under way at the present time to ensure that commitment is met.

**Miss Martel:** I am sure the minister will understand my scepticism if I refer back to the chronic care beds which were also promised for Laurentian Hospital. Over a year ago I received a letter from her ministry stating categorically that 60 chronic care beds would be placed at Laurentian Hospital and the minister will know that in fact most recently the hospital was told that in fact those beds would not go to Laurentian Hospital and there would be some community care in the end. So I am little sceptical when she says she is concerned, but we have nothing in writing to confirm we will get the beds. I guess the bottom line in the question I have for the minister is when, in fact, will the cheque be delivered?

**Hon Mrs Caplan:** In fact, it was the Manitoulin-Sudbury District Health Council that said to me: "Elinor, you should be focusing on people, the services that they need and the places that they need them and whether they can be provided. If services require inpatient care, we will provide inpatient services; and if people require outpatient and ambulatory and community-based care, we will provide those services; and if services can be provided through home care and other support services, we will do that."

I want the member to know, as all members in this House should be aware, that my friend the member for Sudbury (Mr Campbell) has been a wonderful advocate for the people of Sudbury in saying to them, "Use this opportunity to look at how we can best meet the needs of people in Sudbury and how we can ensure that the services not only for today but for the future are met."

#### CHRONIC CARE

**Mr Brandt:** My question is to the Minister of Health as well. I would like to advise the minister

that in discussions that I have had recently with the people of the Haliburton and Peterborough area, they said to me that Elinor told them that they were going to get 88 chronic care beds. Now when is Elinor going to deliver?

**Hon Mrs Caplan:** I am not sure specifically to what the member refers. If he likes, he could send me over the information.

I can tell him that in fact I have been meeting with people across this province. We have been talking about how we can best respond to meet their real and changing needs. I want to tell him how pleased I am with the response that I have had from people who say, "We want to work with you co-operatively and we want to make sure we are doing the right thing in our communities."

**Mr Brandt:** I am very happy to help the minister and I want to be as enlightening as possible with respect to the problem in that area. I would just like to advise the minister that it was her ministry that promised 18 of the 88 beds to which I am referring, to the Haliburton Hospital and a further 70 chronic care beds to the Peterborough Civic Hospital. Those particular communities have raised the money in order to supplement the total capital required to undertake the projects that are required to service those communities adequately with hospital beds.

When does the minister intend to fulfil her commitment?

**Hon Mrs Caplan:** As the member knows full well, the Ministry of Health and the Ministry of Community and Social Services are working together to develop a long-term care system, something which we have been told is long overdue; and he knows full well that we are working with communities as we discuss the principles of long-term care and to say to them that we want to make sure before we build that we review the options and alternatives to make sure we are meeting the real needs of communities.

The response from communities has been very, very clear. They are saying to us, "Yes, Health and the Ministry of Community and Social Services should work together and, yes, we want to make sure that we are doing the right thing in our communities."

We have said that, as we review these situations, if in fact the need is for beds and beds alone then we will proceed; and if in fact there are alternatives that should be considered then in fact we are open to making sure that those alternatives are considered.

**The Speaker:** It just appears as if you are sort of carrying on a little conversation there, you two.

**Mr Brandt:** You know, I should ask you for a late show so we can discuss this.

**The Speaker:** Order. New question, the member for Oxford.

#### NATURAL GAS SUPPLY

**Mr Tatham:** My question is for the Minister of Energy and I think if any of us has read Blair's Control of Oil or Samson's The Seven Sisters, he will have an abiding understanding on matters of energy and perhaps an abiding interest.

I would like to ask the minister this question. I understand that the National Energy Board has recently granted a licence to allow the exportation of natural gas from the Mackenzie Delta. How will this affect Ontario gas customers and what role did Ontario take in the NEB hearings?

**Hon Mrs McLeod:** The Ministry of Energy did take a very active role at the hearings representing the interest of Ontario consumers. Ontario ultimately did support the application for export subject to the National Energy Board addressing a number of concerns that we had about access to those reserves for domestic markets.

It is our belief that the delta reserves could be a very significant source of supply for domestic markets in the future, but at the same time we recognize that the project is so vast and the cost of development and of construction of a pipeline is so great that the project could not be supported by domestic markets alone.

**Mr Tatham:** Was the NEB in fact allowing the easiest natural gas to get out of the delta, that is the top gas, to be sold to the United States and therefore jeopardizing the security of natural gas to future Canadian customers?

**Hon Mrs McLeod:** No, not at all. As I indicated, we believe that there can be an enhanced security of gas supply for domestic markets in the future with the development of the Mackenzie Delta reserves. We were concerned about access of domestic customers to those reserves, and in fact we were pleased that the National Energy Board, I think, addressed our concerns with the conditions that it attached to the export licence. I think we recognize that the National Energy Board does have a continued mandate to ensure that any exports are indeed surplus to domestic requirements.

#### REST AND RETIREMENT HOMES

**Ms Bryden:** My question is to the Minister without Portfolio responsible for senior citizens' affairs. I am sure the minister has heard about the horrifying attack by two male assailants on staff

and residents at the Sunnycrest Retirement Villa in Whitby in the early hours of Sunday morning. The attendant was bound, gagged and robbed and forced to swallow a handful of sleeping pills so that she was not able to carry on her job any longer. The assailants then took an unknown amount of money and goods from some terrified elderly residents. The home was also ransacked and drugs and other equipment were taken. The attendant, incidentally, was hospitalized, is still there and is reported to be in stable condition.

This is another shocking indication of the continuing failure of the government to bring in stricter regulations governing both security, nursing standards, health and nutrition in retirement homes privately operated.

#### 1500

**The Speaker:** I believe your question is, "Do you agree?"

**Ms Bryden:** No, Mr Speaker, it is to get past the study stage on this very serious problem and get a commitment from his cabinet colleagues to bring in strict changes in the laws governing these homes and prevent future events of this sort.

**Hon Mr Morin:** When I learned about this incident, as my colleague was, I was also very upset and extremely concerned. As the member knows, the Durham Regional Police are currently investigating this case. It would be totally inappropriate for me to make any comments at this time.

**Ms Bryden:** It is not totally improper to start drafting laws that could be enforced to prevent this sort of incident. We also had a resident a while ago who walked out in the middle of the night, the door shut behind her and she died in the cold. We need stricter security regulations and we need a commitment from the minister. Will he give it to us?

**Hon Mr Morin:** This is a very complex issue without an obvious solution. There is not even a definition of what a rest and retirement home is. As the member knows, we have received over 78 briefs concerning rest and retirement homes. There was a lack of consensus. They were not even capable of defining what a rest and retirement home was all about. As the member knows, the government is presently working on a plan to reform the long-term care system. This reform will have significant implication for rest and retirement homes. Until such time, I will be monitoring the issues.



## MOTION

### PRIVATE MEMBERS' PUBLIC BUSINESS

Mr Ward moved that Mr Reville and Mr Breagh exchange places in the order of precedence for private members' public business and that notwithstanding standing order 94(h), the requirements for notice be waived with respect to ballot item 26.

Motion agreed to.

## PETITIONS

### NATUROPATHY

**Ms Bryden:** I have a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario. It contains 50 names. It is in the form that was previously allowed under the rules, but it is the spirit of the new rules.

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I have signed the petition and I support it. It has 50 names on it.

**The Speaker:** Any other petitions?

**Ms Bryden:** The petition is in the same wording, requesting legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment. It has 67 names on it and is addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario and I have signed it and support it.

**Mr Ballinger:** I am happy to know I have some friends here today.

This petition is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

It is signed by 10 names and I have affixed my name thereto.

## INTRODUCTION OF BILLS

### TICKET SPECULATION AMENDMENT ACT, 1989

Mr Farnan moved first reading of Bill 72, An Act to amend the Ticket Speculation Act.

Motion agreed to.

**Mr Farnan:** The explanation is very brief.

This amendment to section 2 of the act provides penalties that constitute real deterrents to ticket scalpers.

### HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Breagh moved first reading of Bill 73, An Act to amend the Highway Traffic Act.

Motion agreed to.

**Mr Breagh:** This is a bill to provide for the licensing of motor boat operators. It applies to boats having at least 10 horsepower. It would allow the boats to be operated under the supervision of someone who has such a licence.

## ORDERS OF THE DAY

### COMMERCIAL CONCENTRATION TAX ACT, 1989 (continued)

Resuming the adjourned debate on the motion for second reading of Bill 46, An Act to establish a Commercial Concentration Tax.

**The Speaker:** The member for Cochrane South (Mr Pope) had the floor, but I guess that member has completed his remarks.

**Mr Daigeler:** It is my pleasure to briefly speak to the second reading of Bill 46, An Act to establish a Commercial Concentration Tax.

Ontario, as members probably know, is presently in its seventh consecutive year of economic expansion and for some time I am pleased to say Ontario has outpaced growth even in the United States and Europe.

In 1988, real economic output increased by 4.9 per cent, almost five per cent. This year it is a bit slower but nevertheless still an impressive 2.8 per cent.

Much of this growth in Ontario is happening in the financial and industrial centre of the greater Toronto area. This area has been very attractive to renewed business investment and it has been attractive because of its existing transportation network, its service and other infrastructure already in place. The greater Toronto area has, in addition, ready access to customers, suppliers and employees.

To respond to this continued growth in the greater Toronto area, the Ontario government is taking measures in the 1989 budget to improve and expand the transportation network serving this area. Altogether the provincial government will spend an additional \$2 billion on the province's transportation network.

## 1510

Besides the improvements to highways already mentioned by the minister, an additional \$33 million will be spent to expand the GO Transit system. The greater Toronto area will also benefit from a portion of the \$200 million budgeted province-wide for improvements to major arterial roads and highway connecting links. As well, \$44 million has been set aside for improvements to municipal transit systems. This includes, within the greater Toronto area, capacity improvements to the Yonge Street subway, station upgrading at Yonge and Sheppard and construction of the Harbourfront light rail transit.

Increased growth will inevitably lead to greater demands on surface transportation routes and public transit. The improvements just mentioned will address both congestion in and access to the GTA.

The attractiveness of Toronto and the surrounding area and the resulting necessary improvements to its infrastructure will lead to greater incomes for commercial property owners from tenants seeking prime locations. Also, property owners will profit from increased capital gains as land and building values increase.

Like the provincial government, these commercial properties must share in both the responsibilities and the rewards of continued economic expansion. The commercial concentration tax this government is putting forward ensures that areas that profit from economic expansion also share in the funding of the infrastructure necessary to sustain economic growth. I am therefore pleased to support Bill 46.

**Mr Villeneuve:** It is a pleasure to participate in the debate on second reading of Bill 46. Bill 46 intends to heavily tax businesses in heavily urbanized areas such as the city of Toronto and other major centres. I have great problems with that in that this government tells us, for example, that it does not want to lose business because of the free trade agreement, but this government tells us it does not want a goods and services tax because the GST would create problems for exactly the people it is going to be taxing under An Act to Establish a Commercial Concentration Tax.

I think we have a bit of a dichotomy here, with a government that says "the federal government is overtaxing" and yet "we here in Ontario are going to grab our share of the pie" and really provides no alternative for the federal government or for anyone else.

Ask the municipalities and they will pretty well all agree that there has been a major shift here, that taxing responsibilities are now becoming the bailiwick of the municipal people and the school boards. Again, this government is grabbing. The lot levies that will be in place are but an example. Certainly we have a lot of resentment to lot levies in rural Ontario. To create lots in rural Ontario has been a problem to say the least.

**Mr Ballinger:** Freedom of choice.

**Mr Villeneuve:** Freedom of choice, as the member opposite says, is most interesting, because freedom of choice with this government really is a thing of the past. Responsibility is what they shift from where it should be, with the provincial senior level of government, to municipalities and school boards, wherever.

I have a number of people in my riding on marginal land in rural Ontario, Mr Speaker, as you well know. You have a riding very similar to mine and in the same general area. We have a lot of marginal land. I will tell the members that I have seen a document from the Ministry of Agriculture and Food recommending that a retirement lot to a farmer not be granted if he worked on or off the farm. That is a terrible statement coming from a ministry. They are forbidding this farmer from working on or off the farm. That is dictatorial.

This is directly in relation to Bill 46, because we are out there looking to create lots to provide some residences for people who will have employment in rural Ontario. I say to the government that Bill 46, by going out and throwing an extra surtax on businesses that are in the urbanized areas is not the way to do it. We have to work together. I will cite some examples.

**Mr Ballinger:** Are you a marginal member?

**Mr Villeneuve:** There are marginal members on the back benches of the Liberals, I will tell you that, Mr Speaker. If the member for Durham-York wants to talk about marginal members, we can talk about that too, but we are working on Bill 46 right now.

We have in the city of Cornwall, recently moved from the downtown area of Toronto, a company known as Canadian Holidays. Canadian Holidays is affiliated with Canadian Pacific and was operating in downtown Toronto as a booking agent for Canadian Airlines International. They had a very heavy staff turnover, somewhere in the area of 80 per cent plus a year. They have decided to move to a less populated area of Ontario and I am very pleased to have had a small part to do in convincing them to come to rural eastern Ontario.



**Mr J. B. Nixon:** What does this have to do with Bill 46?

**Mr Villeneuve:** This has a great deal to do with Bill 46, because Bill 46 would have taxed these people. These people require simply an incentive. They do not want to be nailed to the cross, so to speak, taxwise. Whenever these companies decide, if indeed they so decide, "We are being overtaxed totally by the government of Ontario and we are going to move south," do you know what this government will say, Mr Speaker? "Free trade. That is where the problem is. Free trade." Yet this government will have been the first to come in and nail them on additional taxes based on what is happening here in Bill 46.

I say there are much better ways to provide incentives, to provide real, true reasons. In eastern Ontario we have a large workforce of available people, some trained people and some quite willing to be trained, and the service industry in particular should be looking to other areas than the greater Toronto area, with incentives provided by this government, not penalties for their being in the area.

An example again would be if this government were to provide retraining assistance to move people from the GTA with its 4.5-million population, to decentralize. Half the province of Ontario lives in the so-called GTA. In the greater Toronto area we have pollution problems, traffic problems, just about every problem you can imagine. Bill 46 will simply compound these problems. It will provide additional costs and a smaller margin of profit, again going at those companies big and small to provide more money to the coffers of the present Liberal government here in Ontario.

For example, the Liberals are trying to make political hay of the goods and services tax, no end of it. They do not talk about the 13.5 per cent manufacturers' tax, which is a well-hidden tax initiated by the previous federal government. This is the type of operation this government likes to operate on: "Hide the taxes as much as you can and we will provide you with very little alternative." The 13.5 per cent manufacturers' tax is very discriminatory. It creates problems for manufacturers in Ontario. Bill 46 will create and compound additional problems.

The federal government, prior to 1984 a Liberal federal government—Mr Speaker, would you believe it?—was in favour of a value added tax. Is that not something? All of a sudden in 1989 a value added tax is no longer: "We are now going to make political hay. Whatever the

government decides, we are going to go against it, pure and simple. No alternative. We're not going to provide any positive solution. We're simply going to go negative."

**1520**

Interjections.

**The Deputy Speaker:** Order, please. May I remind all members of the standing orders that call for one member at a time. If other members want to have questions or comments, the standing orders provide doing so afterwards, not during.

**Mr Villeneuve:** Thank you, Mr Speaker. Your advice is always sound and I have no problem at all in adhering to it.

Service industry is going to be the way of the future with clean industries that can and will provide well-paying jobs that can compete, provided you do not have to live in the greater Toronto area. Homes, for example, in the area where I come from, the area south of the city of Ottawa, we have affordable homes. We have affordable vacant lots if we can ever get severances. We have municipalities in favour of severances and marginal land that is available.

The best thing some of this marginal property can produce are single-family homes on one, two or three acres, whatever the need may be, but there is no end of problems, as I mentioned before, when we had the Ministry of Agriculture and Food prohibiting a retiring farmer from obtaining a retirement severance unless he met the criteria that he not work on or off the farm. I wonder what the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) would say to that kind of statement coming from the Ministry of Agriculture and Food. That would be a very interesting comment and I may well have the occasion to put that question to the minister in charge of senior citizens' affairs. I am giving him fair warning.

Back to Bill 46, in closing, we have much better ways of encouraging decentralization than by simply charging additional funds to companies that will have difficulty competing, companies that want to stay here in Ontario, companies that want to employ Ontarians but have to compete in the real world. We have worldwide trade, not only with Americans; we have to compete with all the countries across and around the world. If we price ourselves out of the market, we will be the ones to lose. Our residents will be the ones to lose, and of course our governments will be held back from receiving income that they would have otherwise received through taxes.

Bill 46 should be revamped. Do not punish the people who have to operate in this area, but provide real incentives to have decentralization, particularly of the service industry. Mr Speaker, your area and mine are just begging to have the opportunity of catering to these industries. Again, I cite Canadian Holidays. Holiday tours will be providing some 75 full-time, year-round jobs and additional jobs during the wintertime, the off season, when many of our citizens here in Ontario travel to warmer climates. This is the type of endeavour is that should be pursued by this government.

**Mr Daigeler:** I must say I had a bit of a hard time following the logic of the member for Stormont, Dundas and Glengarry (Mr Villeneuve). I would have expected some criticism, possibly, from a member from the greater Toronto area, but I would have thought a member from eastern Ontario, and rural eastern Ontario in particular, would be highly supportive of this initiative.

As the member will know, in eastern Ontario, quite often we feel that the greater Toronto area gets the biggest share of the provincial funding pie and this bill, I think, will point out to the people in eastern Ontario and in other parts, in northern Ontario as well, that much of the money that is going into the Toronto area and into the greater Toronto area is coming out of that area. I think it is only fair that if we are raising taxes in that area, much of it goes back there.

I would have expected support for this initiative, especially from a member from eastern Ontario, because it should increase the incentives for industrial and business development in eastern Ontario. I think we are seeing some of that already happening with some of the recent announcements, in Napanee, Brockville and other areas. For one, I am very supportive of continued economic growth in eastern Ontario and I think this bill, while it is a small step in that way, should have been welcomed by the member for Stormont, Dundas and Glengarry.

**Mr Kerrio:** I have to comment on the member's discussion about doing that great old thing for the Ottawa Tories in protecting the goods and services tax and trying to legitimize it here. I do not know what it has to do with this bill, but he brought it forward. I just want to make certain that that is thoroughly understood, when he makes comments about the 13 per cent hidden tax on a manufactured item.

If you take a \$10 item and you put 13 per cent on it, you have \$1.30 tax, the way it stands. That item will retail for three times that money on the

market; it will retail for \$30. If you take your nine per cent goods and services tax, you have nearly doubled the amount of tax on the same item when you charge it at the retail level.

Let's not try and sell the goods and services tax here in Ontario. It is going to end up, as the member describes, looking to more service industry. We need the kind of industry that made Ontario what it is. We do not need a lot of service industry to take the place of manufacturing and good solid jobs. If that is what the members are promoting from their benches over there, to protect the Ottawa scene on the goods and services tax, they should forget it.

**Hon Mr Bradley:** Very reasonable remarks.

**Mr Villeneuve:** Yes, reasonable coming from a Liberal who proposed and encouraged a value added tax at every move the manufacturers were doing. This is what was being promoted previously. I am not here to sell the GST; I am here to compare what those people have been trying to do.

To the member for Nepean (Mr Daigeler), and I thank him for his comments, I must tell him that I think he misunderstood to some degree what I was saying, that the confrontational approach, where you gouge, gouge, gouge, this has been the Liberal tradition since coming to power in 1985. We just go after them and gouge, gouge, gouge.

There is not one place in this bill that talks about eastern Ontario, not one place at all. It simply says we are going after more dollars. I say to the member for Nepean that if his comments were right, then there should be areas here that say: "All right. There is an alternative. We will charge you this tax or we will provide you with incentives to go to eastern Ontario or to northern Ontario." But no, it is a matter of going after the dollars. There is nothing in this bill that says we are going to assist in any way, shape or form. It is a matter of gouging, gouging, gouging for more money, more money, more money for the Treasurer (Mr R. F. Nixon) so that—well, I do not know what they are doing with it.

They have increased the budget from \$28 billion in 1985 to almost \$42 billion this year. As we heard in question period today, we have so many hospital beds right now that are not available. We have school boards that are asking us: "Where is the commitment, the 60 per cent? We're down to 42 per cent and dropping." The municipalities are telling us, "Hey, we've been flat-lined. We can't even maintain the infrastructure," which was built over 42 years by a previous government, I might add. That is what



we are talking about. We are not here to sell the GST. We are here to compare what they are saying with what they are doing and they do not jibe.

**Mr Charlton:** I rise to address some comments to Bill 46, the government's An Act to establish a Commercial Concentration Tax. I would like to start out my comments by saying that for me this bill, Bill 46, represents the absolute ultimate in gall on the part of this government. As well, it probably also represents the height of unfairness and extremely arbitrary stupidity on the part of this government.

**1530**

**Mr Villeneuve:** He is being brutally honest.

**Mr Charlton:** I guess my comments flow out of the discrepancies between the stated intention or purpose of the tax and a real thorough look at what the tax does and where those taxes impact, in fact contradicting the very stated purpose of the tax itself.

Bill 46 is promoted by the government as a bill that is supposed to charge a new tax in the greater Toronto area, the GTA as we have come to call it, to help to pay for the costs of transportation in the GTA, costs which the government rightly points out are substantially higher than in any other part of the province.

Let's start from that point. This government and its predecessor for the last 20 years have failed to make the hard planning and development decisions that needed to be made in order to start the decentralization of growth in the province, in order to stop the extraordinary growth that has been going on in the greater Toronto area and specifically in Metropolitan Toronto at the centre of all that.

As members are well aware, it has been part of the political debate in this province ever since 1970. That is when we first started talking in Ontario about stemming the growth of the greater Toronto area. That is when we started talking, and some of the members who are here this afternoon will recall those debates 15 and 20 years ago. It is the failure on the part of two successive provincial governments, the former Tory government and the present Liberal government, to come to terms with that issue that has led us to where we are.

It is the failure of the provincial government to deal with the planning and development aspects of what is going on in greater Toronto, and now the government stands up and says, "We failed, but we will punish you," pointing a finger at the people of this province and, more specifically in this case, the people of the greater Toronto area.

As members know, it is individuals who pay taxes. It is not developers, and it is not ultimately even the retailers who rent space in the developers' properties. It is the people who shop in the commercial complexes and park in the commercial parking lots who will pay this tax. This government is going to penalize specifically the people in the greater Toronto area for the failure on the part of the province to come to terms with unacceptable rates of growth in the greater Toronto area.

I see that, as I suggested earlier, as the ultimate in gall on the part of this government, to impose that kind of penalty on the very people whom it as a government has failed.

But even when we step beyond that pure gall and start looking at the specifics of the tax that is set out for us in Bill 46, we find some very strange anomalies coming from a party that professes to be the friend of business in Ontario. Very strange anomalies indeed coming from the government party that professes to be in favour of good, healthy economic growth; a government that is not prepared to put any planning structure in place so that that good, healthy economic growth happens in an orderly way, but a government that says that it is in favour of a strong industrial and commercial sector in the province.

But what do we do, having professed that belief? The government introduces a tax that pits one retailer against another in a very unfair way. Two malls: One of those malls just happens to be slightly under 200,000 square feet, and the one right across the street happens to be 300,000 square feet; similar shops in both malls right across the street from each other in the same municipality. One of those malls will pay this tax and the other unfortunately will not. Two men's shops, two women's shop, two T-shirt shops, two restaurants all competing with each other, one unfortunately competing unfairly because it has been assessed an additional cost that its competitor across the street does not have.

Both malls have parking lots. Both malls attract customers, depending on the customers' tastes and preferences, but both malls attract customers and both sets of customers park in those parking lots. As a matter of fact, some of the customers who go to the smaller mall park in the parking lot of the larger mall right across the street when the smaller mall's lot is full, but the larger mall is being penalized over and against the smaller mall strictly based on size, nothing else—nothing rational, nothing understandable, nothing quantifiable, nothing calculable, just

purely and specifically size; nothing that makes any commercial or economic sense, nothing that reflects ability to pay. In fact, as members well know, it is quite likely that the similar tenant in the larger mall is probably paying a somewhat larger rent already because of the larger size of the property and the larger size of the parking lot and therefore the larger tax that that developer is going to be charged on the overall property.

But, as I suggested, the tax is being opposed without any rational, understandable, calculable approach to a fair tax. Not only is there no rationale, but the government goes so far as to admit openly that although it estimates—I think even using the word “estimate” is stretching it a bit; it guesstimates, in my view—that the gross revenue from this new tax will be \$125 million a year, it openly admits that they do not know that, because it has not done any inventory of the commercial space that it will be charged against or the parking lot space that it will be charged against.

I ask what kind of government just pulls a new tax out of the sky, out of nowhere, and imposes it without even knowing or understanding where the tax will impact, what kind of businesses will be affected by that tax, where those businesses are located in Metropolitan Toronto or outside of Metro Toronto in the other parts of the greater Toronto area? They are defined in this bill.

What kind of government imposes a tax without understanding what the tax will bring it in dollars and who it is that this tax is being imposed on? I say it is a government with little or no conscience and absolutely no understanding of the impact of taxes in economic terms especially in the retail sector.

I want members to think for a few moments about the arbitrary geographic nature of this tax. Just recently, I guess it was about two weeks ago, we had the member for Burlington South (Mr Jackson)—and I assume he will be speaking later in this debate—the member for the third party attacking this government in the media because it was imposing this commercial concentration tax on the greater Toronto area and specifically, on Burlington—a neighbour of the municipality where I live, Hamilton—but Hamilton is not included in the tax.

#### 1540

His point was that the kind of commercial development we have in Hamilton is very similar in nature to the kind of commercial development they have in Burlington. In fact, Burlington and Hamilton are very actively competitive when it comes to trying to attract shoppers, commercial

customers. The malls in Burlington and the malls in Hamilton compete with each other. They always have and they probably always will. I am sure the same is true elsewhere in the GTA, but I do not wish to try to speak about areas I am not familiar with.

But I have talked to this House about the competition between Hamilton and Burlington before. I remember standing up during the store hours debate in this House and explaining to the members of this House how for 15 years Hamilton and Burlington played off against each other and how Burlington had finally gone to extended store hours, where their stores were open late five nights a week instead of just two. And that after four, five or six years of trying to compete with that, and trying to resist going to extended store hours on weeknights, the Hamilton-Wentworth regional council finally caved in and gave way to its commercial taxpayers. It gave in, because the Hamilton commercial taxpayers had to try to compete with their real competitors in Burlington.

Now the member for Burlington South is on his feet, saying that this government is imposing an additional tax on commercial taxpayers in Burlington that their Hamilton counterparts will not have to pay. He is right, because that is the arbitrary, stupid nature of this tax. On one side of the street, you pay the tax; on the other side of the street, you do not pay the tax.

These are businesses that are competitive. They are trying to compete with each other and this government hands a competitive advantage to one. It does not solve the transportation problem one iota, because these two enterprises are directly across the street from each other. But the arbitrary nature of the geographic boundary of the GTA is not soluble. If the member for Burlington South were to win his argument and Hamilton were to be included, then Hamilton would make the same argument about Stoney Creek. The Eastgate Mall in Hamilton is right across the street from the Fiesta Mall in Stoney Creek, and they compete. But this government would have an arbitrary boundary where on one side of the street you pay the tax and on the other side of the street you do not pay the tax.

This is a government that says it believes in free and fair competition, at the same time as it is prepared to impose a tax that says: “Fair competition is not an expectation that you have the right to expect, commercial operator, because you operate in Burlington and your competitor in Hamilton operates in Hamilton. So you don’t have the right to expect to be able to



compete fairly and equitably in the marketplace."

That is true any time you start to make arbitrary decisions and draw arbitrary lines. I would be willing to guess that when this government, specifically officials in the Ministry of Treasury, were trying to determine how to structure this commercial concentration tax, they started out with Metropolitan Toronto and nothing else, and then they started doing their guesstimates: "If we include outside of Metro Toronto, if we include Mississauga, that will bring us in this much more, as a guesstimate. Then if we include part of Durham, that will bring us in this much more. If we bring in Oakville, that will bring in—" Having had a figure in mind about how much in the way of tax dollars they were really looking for, they finally decided on what the GTA really represented.

I would like to give another example of that. This is an example that the member for Durham-York (Mr Ballinger) will understand. The member for Durham York was making comments earlier in the debate when the member for Stormont, Dundas and Glengarry was on his feet. He is a member from an area that is part of this growth pattern, as opposed to myself, who comes from outside the area, and I am happily in the position of not having to represent constituents who are going to be hit with this tax. That does not make me any happier with the fairness or the sensibility of this kind of tax.

I understand, for example, how those developed communities strung along the Queen Elizabeth Way and strung along Highway 401 impact on the transportation costs that this government is concerned about. But it is really beyond me how an area like Halton Hills has any real impact in this debate at all, and yet Halton Hills is hit with this tax.

I do not represent those people; I am sure that if the member who represents Halton Hills has the best interests of his constituents at heart he will get up and say something during the course of this debate. But what, God tell me, does Halton Hills have to do with the transportation problems that this government claims it is trying to resolve with this tax or trying to at least pay for with this tax?

**Mr Ballinger:** This is where they all work.

**Mr Charlton:** There are not very many of them to start with. In Halton Hills, we are not talking about, on the one hand, huge commercial concentrations that draw people in or, on the other, the kinds of heavily concentrated residen-

tial development that we find more of in my community than you ever will in Halton Hills.

**Mr Ballinger:** We're talking about constituents.

**Mr Charlton:** We are talking about transportation, remember?

**Mr Ballinger:** And the constituents that have to travel the roads.

**Mr Charlton:** That is right.

**The Deputy Speaker:** Order, please.

**Mr Charlton:** This bill is about trying to pay for high transportation costs in the GTA. And yet, what have we done with this tax? We have put a tax on commercial parking lots presumably to discourage people from driving downtown into Metro Toronto, the downtown Toronto area, to park. The government is going to try to make it too expensive for people to come downtown and park.

There may be some validity in that kind of approach. Maybe we could tax parking lots in the downtown cores of all the major cities in the province. That might be a little fairer approach, but what have we done as a counter to that?

We have put the tax, a flat tax of \$1 a square foot, on commercial parking lots in downtown Toronto. We have also put exactly the same tax on all of the parking lots where the car pools emanate in the GTA, all of the GO parking lots where people are parking to take public transit into the downtown area. We have put exactly the same \$1 per square foot tax on those parking lots. Does that make any sense?

## 1550

If we are worried about transportation problems and costs in the greater Toronto area, it would seem to me that once we put a tax on the commercial lots downtown, we would want to encourage people to stop at the GO lot or another car pool lot, park there and either come downtown as a group in one vehicle or get on the GO train and come into Toronto, but no; we have land in downtown Toronto that is worth 10 times the value of the land that some of these commuter parking lots outside of the heavily builtup area are on, yet we are applying precisely the same tax downtown as we apply in those outlying areas.

What is that going to discourage? Nothing. All it does is increase taxes. It costs people more money. It is going to continue to cost the government escalating amounts of money to pay for transportation because it has done nothing to change the way that transportation will happen.

I guess probably the worst part of this tax for me, aside from all the built-in unfairnesses and

aside from all the contradictions in terms of policy direction—a goal that the government is trying to accomplish in relation to stemming the undesirable rate of rapid growth in the greater Toronto area—is that the government is encroaching on and moving into an area of taxation that to this point has been exclusively reserved for the municipalities.

As a matter of fact, Mr Speaker, and you are well aware of this, there has been a lot of criticism of property taxation in the province of Ontario and there has been a fair bit of debate, although no action, over the last 10 or 15 years about reforming the property tax system to make it fairer and perhaps give the municipalities access to additional tax dollars from provincial income tax or some other provincial tax source over which this province has jurisdiction.

That debate has gone on because the municipalities have been cut back in terms of transfers from the province and the provinces have been cut back in terms of transfers from the federal government, and the municipalities and school boards have had no one else to shift their shortfall on to, except the property taxpayers. But now—and this is where the gall comes back in, I guess—this provincial government moves into a jurisdiction which impacts directly on property. Not all property is covered by this bill; we have decided that it is going to be on commercial parking lots and commercial properties of over 200,000 square feet. But municipalities in the GTA where this tax is imposed are going to be in a real quandary when it comes to serving their already hard-pressed needs for tax dollars, and they will feel the guilt and the pressure of any tax increase they have to impose in addition to what this province is imposing in a jurisdiction which was once exclusively theirs.

Even worse than the fact that this government is intruding into an area in which it has no business is the fact that it is doing it in this unfair and inequitable way. Not only is it doing it in this unfair and inequitable way, but, at the very same time, this government has flat-lined and put caps in place in terms of the funds that it is transferring through the Ministry of Municipal Affairs to the municipalities and the school boards. At the same time, this government in its dealing with municipalities is continuing to shift new and onerous responsibilities on to those municipalities.

Mr Speaker, that is a five-level comment I have just made. Does it sound to you as though this government has really thought through, in a really well planned way, its relationship with

municipalities, that it has really thought through what this tax is all about and whether or not this is the best way to raise \$125 million?

I have absolutely no doubt whatsoever that this is exactly how the game plan was evolved. They were near the end of the budgetary process, they had \$125 million to find and the Treasurer said, "Find me that \$125 million, even if you have to create a new tax," and that is what they did. They worked back from the \$125-million figure, defined the tax and then defined the area, and the area was defined by the number of dollars they guesstimated the tax would generate in certain given areas as they moved out from Metro Toronto.

So again, when the member for Burlington South stands up publicly and says it is not fair that commercial enterprises in Burlington have to compete with commercial enterprises in Hamilton—Burlington has to pay the greater Toronto area tax and Hamilton does not—he is right, that is unfair; but it would have been just as unfair if the line had ended at Oakville and Burlington was outside the GTA, competing with Oakville which had to pay the tax. It would have been just as unfair if the line had been Highway 427 or if it had been Keele Street or if it had been any other arbitrary boundary. We put competitors in unequal, disadvantaged situations by charging one competitor on one side of the street something that we do not charge his major source of competition on the other side of the street.

That does not sound to me like either good tax planning or a real understanding of the serious problems that exist in the whole area of property taxation and municipal finance. We have not heard the municipalities screaming loudly about this tax yet because they had enough other things to scream about in last spring's budget.

I do not think anybody has really figured out in a clear way precisely what this tax is yet or how it will happen. Again, that has to do with a government that says: "We do not know exactly how much we will raise in the tax. We think about \$125 million, but we really have not done an inventory of the commercial space on which this tax will be applied and the parking lot space on which this tax will be applied. So we really do not know."

There is no information out there, there is no ability for a municipality like Burlington to say, "Jeez, not only is it affecting Burlington, but it is badly affecting this group of retail tenants in this area of our municipality, an area which has been in decline and where business has been down



because of the new malls. But the new malls happen to be smaller and they are avoiding the tax, while this area where business has been in decline is getting hit with the tax just because of square footage."

The municipalities are not in a position to do that yet because this government has not done the studies. It cannot yet tell them where the tax is going to impact and where it is not, or at least if it can, it certainly has not released any of that. Maybe Smiley over there is telling me that is exactly the case, but let's be honest: when we propose a tax like this, give us all the data so that we can have a real look at tax incidence and impact. Where is the tax going to hit? Whom is it going to hit? What is the impact of that tax going to be?

One example of an unfairness problem with this tax, as you are well aware, Mr Speaker, is that tenants in malls are the ones who are going to pay the tax. Developers are not going to pay this tax. This is supposed to be a tax on developers, but developers do not pay taxes in Canada. You know that, Mr Speaker. Tenants pay taxes.

#### 1600

Unfortunately, in the affected areas in the greater Toronto area, under this tax, even all tenants will not get to pay the tax, because you know again what happens in large malls, Mr Speaker, you get two or three major anchor tenants in those malls. They are what hold the mall together; the Eaton's, the Bay store, the Loblaws, the A and P. Whatever or whoever those anchor tenants happen to be, we have three or four major anchor tenants who hold the mall together. Those anchor tenants, because the developer needs them, get a lease that says whatever they want it to say. They get a lease that says: "No matter what happens to property taxes, no matter what happens to heating costs, no matter what happens to anything, this is the cap on my rent. That is the ceiling. That is the absolute tops I pay. I'm Eaton's, I'm the Bay, and that's all I pay."

When they impose a new tax like this or when the property taxes go up by six or eight or 10 per cent, it is the little tenants in that mall who pick up the cost of those tax increases because their leases all say, "Your base rent is X, the property taxes in the year that you signed this lease are Y, and you will also pay any tax escalations that occur proportionately during this five-year lease, 10-year lease or whatever the case happens to be."

So we are not only imposing a tax of \$1 per square foot on parking lot and commercial space

over 200,000 square feet, but on some of those small tenants where the large, anchor tenants in the mall are protected by their lease from having to pay any of this new tax; it is the small tenant who is going to pay not \$1 a square foot extra but in some cases \$1.10, \$1.20 or \$1.30, and maybe even as high as \$1.40 a square foot. These are going to be the tenants who are high-turnover tenants in those malls, because they are only just hanging on by their teeth already.

We have imposed a tax that the large tenants who could likely afford this tax are not going to pay in general terms. They will get caught in a few instances somewhere, but in general terms the anchor tenants will not get caught. We have imposed not only the share of the large anchor tenants, but the basic tax on all of the small tenants in those malls.

This government wants us to believe that it has thought this whole thing through; that it understands how it will work; that it knows who is going to pay the tax and it knows it is not going to hurt anybody. But it has not released anything because it is afraid of the controversy that will evolve out there when people see in real terms who it is going to hit and how much it is going to cost.

Back to the arbitrary nature of this tax, we have a twofold arbitrariness here now. Because the government has this \$125-million figure in its head that it worked back from to design the tax and the area this tax covers, we have the one unknown for the future, the one variable for the future. It has imposed an arbitrary tax rate of \$1 per square foot. It is \$1 per square foot in downtown Toronto, where, again, property values in those malls that we are talking about are 10 times what the values are in Burlington, but precisely the same tax per square foot is going to be imposed in Burlington: \$1 per square foot.

Mr Speaker, I want you to think about what we know about taxes in Ontario, in Canada and in general. Once a tax is created, once we have a new tax, then the temptation as we move into the future is never to increase any one tax too much, but if we have to get a lot of money, we increase a whole bunch of taxes a little bit in every budget, precisely as we have seen from this Treasurer over the course of the last four years; little hits on every tax in sight.

**Mr Farnan:** And big hits.

**Mr Charlton:** And big hits from time to time, when he is really in the corner.

What we have here is a new tax where a lot of what they are going to do around that new tax is going to be in the regs, not here in the House for

debate in the future. And it is going to go up; that is inevitable. Perhaps they will decide to keep it uniform for ever and charge the same tax throughout the area this legislation covers. So it will start out at \$1 a square foot and some day down the road it is going to be \$2 a square foot. That may not be the way the tax gets paid by individuals who get forced to pay it, but that is the way it is going to be charged by the province.

Maybe they will decide that because property in downtown Toronto really is a lot more valuable than property in Burlington, in the future, when they need their next increase, all of a sudden they are going to increase the tax in Metro and not out there and we will end up with some kind of a sliding scale; which might be slightly fairer, but I am not sure that in an arbitrary, unfair tax you can ever gain fairness by playing those kinds of games. But it is going to go up, we know that. It is going to go up.

The other variable we have with this tax is not just the tax rate, it is that it covers a geographic area which does not represent the whole province. We have a provincial jurisdiction taxing less than the whole province. So theoretically this government can get more money out of this commercial concentration tax by leaving the tax rate alone and making the area bigger. It goes out to the other side of Durham now. Who knows what is next? Maybe we will decide to take in the whole Golden Horseshoe eventually and the other major urban centres: London, Windsor, Sudbury, the Sault, Thunder Bay, Ottawa, Cambridge.

**An hon member:** Hamilton.

**Mr Charlton:** I left out Hamilton because I want it to come last. When it comes to unfair taxes, I am not going to recommend my constituents for a hit, thank you very much, but I did include, as members heard, the riding of the member for Cambridge (Mr Farnan).

We have double jeopardy here. On the one hand, we have a government that we know is perfectly capable of increasing taxes without a whole lot of thought about the economic impact of those tax increases, but on the other hand, we have a government that can play a scam here and say: "Okay, we'll increase the tax this year, but next year we'll leave it alone. We'll leave it alone for three years in a row, but each year we'll add a chunk of the province on that isn't now covered. We'll get more money, nobody will notice except those few people in the new area, but I don't have to get the whole province mad at me because I did a tax increase. I'm just going to get the people in Cambridge mad at me next year,

because that's all I'm adding on next year. We don't hold the Cambridge seat anyway, so it is not going to cost us any votes in the next election."

That is the most insidious kind of tax. Nobody has any real, clear understanding or control over it. There is no accountability. It is the kind of tax that you can play games with so easily and so perfectly that you may get away with the ultimate scam virtually for ever. I cannot support that kind of arbitrary, unexplainable, unfair approach to who should be paying for what when I see myself as a part of a province that, yes, has differences from one end to the other and has serious differences even across this expanse we have referred to in this bill as the GTA.

You know as well as I do, Mr Speaker, that Oshawa is not like Burlington and I know that none of the places in the GTA outside of Metro Toronto is like Metro Toronto. But we are all paying the same tax, \$1 per square foot, under this package, with no reflection on the specific economic impact that this will have in the areas in question.

#### 1610

If \$1 per square foot is an acceptable level in Metro Toronto—and nobody knows that, or at least if anybody does, no one is saying because no studies not produced any on what the impact is and where it will be—then it is unlikely that the same \$1 per square foot is going to be an acceptable tax rate in Burlington because the values are far different in Burlington. The economic costs of development are far different in Burlington. The rents they pay are far different in Burlington. Those they are competing with are so substantially different from what is happening on Yonge Street and Bay Street and King Street in Toronto, that to ask them to pay the same tax per square foot as establishments in downtown Toronto is, I believe, going to have a serious economic impact on those establishments in areas where their whole retail structure is based on the fact that their property taxes, their rents and everything else are substantially different from Metro Toronto rents and taxes.

To go in and impose a tax that does not take any of that into account, that simply says a buck is a buck and a square foot is a square foot, no matter where it lives and what it looks like, or how bad a shape it is in, is not to understand the commercial retail sector in Ontario at all.

What we have is a tax that in so many ways just has not been thought about in any kind of planned way by a government whose only vision when it closed its eyes was how much it had to get that



was not in the last package it ran by the Treasurer in terms of what the total budget would be and how much it still had to come up with and where that was going to come from.

This is the third occasion I have had to stand up in this House this year and debate of something new, just out of the blue, that this government has invented to try to play that game, a game that is a backward game, a game that works back from dollars instead of working forward through tax policy that is well thought out and designed in terms of its impact.

We saw it with the new tax on hydro where we are going to charge Ontario Hydro for the loan guarantee we give it. We are seeing the same thing with the payroll tax to pay for health care. We were afraid to increase corporate income tax in the province at the same time as we were saying we want the corporations to pay; so we have imposed the cost on corporations in that case but in the unfairest way we can possibly do it.

This is yet another example of a lost, unfair and, in my view, very stupid approach to how you should be creating tax policy in Ontario. For those reasons, I find myself in a position of not being able to support this bill.

**Mr Farnan:** I feel compelled to join the debate and make comment on the very splendid contribution to this issue that my colleague has just made.

We simply have to ask ourselves some very basic questions. Is this a progressive tax? The answer is no. Is it a fair tax? The answer is no. Is it a tax that can be logically argued and justified? The answer is no. Is this a tax grab? The answer is yes. Is this a tax grab that can be expanded and more money taken from the taxpayers of Ontario? The answer is yes.

My colleague the member for Hamilton Mountain (Mr Charlton) is one of the finest experts in fiscal matters in this House, and I do hope that the government will heed the very substantive contribution he has made to this debate and heed him in such a way that it can go back and reflect and attempt to become progressive and fair in its taxing policy.

This government had an appearance, a semblance, a mirage of progressivity when it was in accord with the New Democratic Party. But since it has taken on its majority in government, unfortunately, the true colours are now showing. It is very clear that this is a government that is regressive in its tax policies and certainly cannot be justified to the people of Ontario.

**Mr McGuigan:** The member brought up the point that this was a transportation issue. I would like to make a comment on that.

I go back to an event of several years ago when the Ford Motor Co gave up its assembly plant in Windsor and moved to Oakville. That was the first time it was brought to my attention that the principle behind that is the fact that it is cheaper in the long run to ship finished goods than it is to ship the raw materials. Because a large chunk of the market was in the Toronto area it made economic sense from the standpoint of Ford Motor Co—but very much to the regret of Windsor and southwestern Ontario—to move to the Toronto area. It was cheaper to ship the finished vehicle, and it was closer to that large market to save distribution costs.

From our end of the province in southwestern Ontario, when the member talks about an even playing field, people in our part of the world say they approve of this move because, in their view, it is bringing some fairness and evenness to that playing field. Especially in the very smaller towns in southwestern Ontario, we see the stores that are vacant because young people are moving to the greater Toronto area to take advantages of the economies of scale and the huge market that is provided in this area.

**The Acting Speaker (Mr Breaugh):** Are there any further questions or comments?

**Mr McGuigan:** I was not quite finished.

**The Acting Speaker:** Yes, you are.

1620

**Mrs Marland:** In rising today to speak to the motion for second reading of Bill 46, An Act to establish a Commercial Concentration Tax, I wish to say at the outset that, in my opinion, Bill 46 rates as one of the most unjust, illogical and, I would even go as far as to say, irresponsible tax measures introduced by this government.

What, might I ask the Minister of Revenue (Mr Mancini), is the logic or fairness of taxing only a limited number of large commercial enterprises in the greater Toronto area for the cost of maintaining and expanding the area's transportation network? What have these commercial enterprises done to be singled out to bear this tax? What is the magic of the cutoff of area in terms of 200,000 square feet? Why should a mall of 200,000 square feet or over pay the tax when a competing mall of 199,000 square feet does not?

Why has the government singled out the greater Toronto area for tax punishment? Granted, Toronto has its special expenses, but so do other areas of the province. For instance,

northern Ontario receives special transportation subsidies in recognition of its small population base, the large distances between its settlements and the difficulties and costs of travel in the north.

Does the government plan to extend its warped logic and tax only certain large commercial enterprises in northern Ontario for the costs of maintaining northern highways? Does it plan to reduce northern assistance? This same logic, or lack thereof, was behind increasing motor vehicle registration fees from \$54 to \$90 for those who live in the greater Toronto area, but only from \$54 to \$66 for the rest of southern Ontario.

The cost of living in the Toronto area is already extremely high, without paying special Toronto taxes. These Toronto taxes are a very dangerous precedent. To my knowledge, until this recent budget, no government of Ontario had ever asked the House to impose a discriminatory and punitive tax on a special region of this province. What region will be singled out next for tax punishment?

If the minister wants to charge greater Toronto area residents extra for living in a first-class city, maybe he would like to restrict the use of the GTA roads and GO trains to those who live in the greater Toronto area. Maybe he thinks tourists should not be allowed to visit Toronto, the sick from rural areas should not be treated here and residents from beyond the GTA should not be allowed to shop here. Or does he have a plan for tollbooths at the borders of the greater Toronto area?

The honourable members opposite may scoff at these rhetorical suggestions, but the minister's line of thinking leads to these ridiculous conclusions.

I also question the sense of the exemptions from the law. The minister must be aware that one of his Liberal colleagues, the honourable member for Mississauga North (Mr Offer), recently heard complaints from the Westwood Shopping Mall merchants' association concerning this tax. These merchants had several concerns, one of them being the discrepancies that result from these exemptions. As an example, Andy Angastiniotis, president of the Westwood Shopping Mall Merchants' Association, noted that the International Centre, located also in Malton, would be exempt, even though it holds trade shows and thereby is a retail organization. He pointed out that warehouses which hold flea markets, another retail activity, would also be exempt.

These exemptions are not only unfair; the definitions of the exemption categories are also unclear. The government is going to have problems deciding whether properties such as the International Centre should be subject to the tax. These problem definitions could tie up the dispute and appeals process mandated by this bill.

In addition to lacking equity and logic, this tax does not make fiscal sense. The minister knows, as it was clearly stated earlier in this debate by my colleague the honourable member for Cochrane South, that our party cannot accept the equivalence arguments that have been advanced by his government in support of this and other budgetary measures, such as the tire tax and vehicle registration fees. He knows that this is not how government budgeting is done.

The government sets its priorities based upon the total amount available in consolidated revenues, not upon the amount collected from a particular measure, such as the commercial concentration tax. We know the government cannot guarantee that the revenues collected through this tax will be applied to Toronto-area transportation.

The Treasurer in his budgetary remarks estimated that the revenues raised by this commercial concentration levy would amount to \$125 million per year. However, I am going to show that the detrimental economic impact of the tax could very well outweigh the revenues it would generate.

In opening this debate, the Minister of Revenue—and I appreciate that he is in the House at this time to hear my comments—commented that the additional revenues required to maintain and expand greater Toronto's transportation network should be obtained not from the individual taxpayer but from the corporate sector, the businesses that reap the greatest benefit from the provincial expenditures on these essential support services. I do not see any logic in this statement.

First of all, it is not just the commercial sector that benefits from our transportation infrastructure.

Secondly, the costs of doing business, including taxes, are passed on to individual taxpayers in the form of higher costs of consumer goods. The Westwood Mall Merchants' Association in its recent meeting with the member for Mississauga North advised him that merchants will have to pass the costs of the tax on to their customers.

Thirdly, small businesses which are tenants in large commercial complexes will feel the pinch



of this tax when it is passed on to them in the form of higher rents.

Finally, when this tax is charged to owners of parking lots and garages, it will most certainly be passed on to motorists through higher parking fees.

Therefore, this tax is inflationary and the greater Toronto area, with the highest inflation rate and the highest cost of living in the country, does not need yet another inflationary force.

Fred Schuringa, president of the Mississauga Real Estate Board, recently told me why the real estate board in my home city opposes the commercial concentration tax. Complaining that businesses are being taxed out of existence, he pointed out that if companies cannot afford to stay in business, the greater Toronto area municipalities will have to increase property taxes to make up the revenue shortfall. Corporate and individual taxpayers alike will feel the pinch. Yet the Minister of Revenue has the gall in his opening remarks in this debate to say that the additional revenues required to maintain and improve our transportation network should not be obtained from individual taxpayers.

Mr Schuringa also made the arguments I advanced earlier for this tax being inflationary, noting that Toronto already ranks among the top 10 cities in the world for housing costs. He said it will become harder and harder to live here.

### 1630

Mr Schuringa has a piece of advice for this Liberal government: Cut back on its own expenses instead of making the taxpayer pay for government inefficiency and waste. I cannot help but speculate that this Liberal government is purposefully trying to scare people away from the greater Toronto area—\$125 million from this tax, \$3.5 million in other special taxes on residents in the greater Toronto area. We are simply being taxed out of our provincial capital.

This tax could strangle our provincial economy. I quote from an editorial in the *Globe and Mail* of 19 May 1989: "With the economy expected to grow this year at only half the rate of 1988, Mr Nixon may live to regret slapping an extra tax burden on the region that has been the driving force behind the longest and strongest expansion of the province's economy since the 1960s."

The minister also made a feeble argument that the administration cost of the tax would be minimal. He noted that there already exists a computerized inventory of the properties liable for this tax, but we all know that such computerized databases require staff to run them.

The minister surely must acknowledge that there will be added human resources costs, not only for updating the database and tracking the assessments but also for running the open houses he promises and for presenting and defending appeals. The minister said that the framework which exists in his ministry can incorporate the new tax, but he knows that a framework constitutes a minor part of the total expense of any program. I therefore cannot share his optimism regarding low administrative costs. From a fiscal point of view, then, the commercial concentration tax, as addressed in Bill 46, makes no sense because of the inflationary impact of the tax, combined with its administrative costs.

I would like to move on to the minister's ridiculous logic regarding parking lots. I predict that this bill will result in fewer and more expensive public parking spots in the greater Toronto area for several reasons. First, let's look at the inner city where many commercial structures are mixed office-shopping complexes which charge for parking. Consider the case of a company that plans to construct an inner-city commercial centre that would be less than 200,000 square feet without parking, but more than 200,000 square feet with parking. That company would have no incentive to provide parking for the general public unless the planned parking area were very large or, if it were smaller, the firm could charge and obtain a large parking fee. The reason: Unless a firm can raise the revenues that are greater than the commercial concentration tax that would be levied, it would not make financial sense to provide parking. The conclusion: Either less parking or more expensive parking, if not both.

Second, consider that by charging this commercial concentration tax only on developments over 200,000 square feet, this Liberal government is establishing a perverse economic incentive. Smaller enterprises would have more incentive to provide parking than larger enterprises, but the larger enterprises would generate more need for parking than the smaller ones.

There is a third problem which arises from the fact that this bill would levy a tax on parking associated with taxable commercial properties only if the parking is accessible to the public and fee-paid. There are several parking lots associated with large office complexes that provide, in addition to employee parking, some public parking. If the revenues raised from the public parking spots were less than what the commercial concentration tax would be, some firms would have no incentive to provide parking for the

general public. This could result in parking being made available only to owners and employees. If this were to occur and more employees drove to work, putting even more wear and tear on Toronto's transportation infrastructure and causing even more traffic congestion, would the Liberal government not be aggravating a situation it is supposedly trying to correct?

As the House knows, this backward logic extends to the commercial lots run by municipalities, since these lots would be subject to the tax. Some suburban municipalities will have to decide either to raise parking fees at their lots or not to charge for parking, since the revenues these lots generate are less than the amount of the commercial concentration tax that they will have to pay on the lots.

As the honourable member for Etobicoke-Rexdale (Mr Philip) pointed out earlier in this debate, the city of Whitby collects \$118,000 per year from its parking lots, but would pay \$165,000 per year in the commercial concentration tax on these same lots. It is not very difficult for the member who is waving to me to figure out that the commercial concentration tax is more by quite an amount.

The city of Mississauga, in which my riding is located, reconfirmed its opposition to the commercial concentration tax at a recent meeting. One of the reasons for Mississauga city council's opposition to the commercial concentration tax is the application of the tax to commercial parking lots operated by municipalities. If the city of Mississauga ever establishes municipal lots and charges for them, as it plans and needs to do, it will have to pay the taxes. For a rapidly developing city such as Mississauga, which does need more parking, such a disincentive to building parking lots is a very serious problem.

As well, the city of Mississauga opposes the commercial concentration tax because it is an incursion into the realm of property tax, which has always been the exclusive domain of local governments. Again, we have here a dangerous precedent. As far as I know, this is the first time that any provincial government has directly levied a tax on the property of junior and lower tier governments. This government is perpetrating a tax grab on municipal coffers. This Liberal government is violating municipal autonomy.

This is not the only way that municipalities will suffer from this ill-conceived bill. I predict that in the more distant parts of Halton, Peel, York and Durham, where many new homes are being constructed, it will be next to impossible to attract the appropriate commercial services.

Given this tax, why would a developer construct a major commercial complex in, say, northern Peel when just up the road in Dufferin county he could build the same centre and not pay the tax?

#### 1640

I am really encouraged. The member for Durham-York is really interested in this because I know that he understands the impact that it would have in Durham and I appreciate very much his silent concentration on this speech. It is very commendable. I really do appreciate it.

What kind of good urban planning incentive is that? We will have neighbourhoods lacking needed commercial services. Our suburban municipalities will fail to attract important commercial development and the tax base that is needed for essential services, including schools. As well, suburbs will develop even further from downtown workplaces, putting more strain on our transportation infrastructure and consuming more agricultural land.

I have yet another example of how this bill could have a negative impact upon urban planning. Subsection 2(5) states that "If a single commercial property contains two or more buildings that are not dependent on shared facilities, each building shall be separately assessed." With our inclement winter climate, we all appreciate linked, shared commercial facilities that prevent our having to venture outside in the rain or snow.

Are we going to see fewer linked structures as developers, in an attempt to reduce building areas to less than the 200,000 square feet, will be hesitant to build walkways and other shared facilities? The commercial concentration tax is supposed to help pay for the greater Toronto area's transportation network. Obviously then, this Liberal government acknowledges that many people are having to commute to Toronto from far away in order to obtain affordable housing. But through this tax, as well as higher gasoline taxes, the tire tax and the \$90 vehicle registration fee, commuters are being targeted for special punishment because they must own motor vehicles.

Why does this Liberal government think it is a sin to drive an automobile and live in the greater Toronto area? Can it not understand that many of us drive to work out of necessity, not as a luxury? I am sure that the minister himself, who now is fortunate to have a vehicle where he is driven, recognizes that he has no alternative but to be in a motor vehicle. He happens to be in a car where he has a driver, and I certainly am the first to agree that cabinet ministers, with their schedules and



their responsibilities, need that. I do not see that as a luxury.

What I am saying is just as it is not a luxury for this Minister of Revenue to be driven in an automobile with a chauffeur, nor is it a luxury for the rest of us to drive ourselves in our own automobiles. In this kind of development area in southern Ontario, it is a necessity.

Many greater-Toronto residents, primarily those who live in the suburbs, will also be punished for buying new houses. They have been singled out to bear a greater part of the cost of new schools through this Liberal government's building lot levy.

As the member of provincial Parliament for Mississauga South, I live in a city which is in the greater Toronto area. I am proud of my city of Mississauga. I am also furious that this Liberal government is doing everything in its power to strangle development in my municipality, to rob its coffers and to reduce its autonomy.

The objectives of Bill 46 are clearly objectionable and the way in which these objectives are being pursued is totally inappropriate. This commercial concentration tax, like so many of this Liberal government's tax measures, is grossly unfair and fiscally irresponsible.

The Minister of Revenue and the Treasurer are inviting a tax revolt. Tax revenues under this Liberal government have doubled from \$15 billion to \$30 billion since the member for Brant-Haldimand (Mr R. F. Nixon) became Treasurer in 1985. Taxes have gone up by 100 per cent during a period when the economy has grown by 56 per cent. I ask this Liberal government: How much more does it think the taxpayers, and in particular the Toronto taxpayers in the greater Toronto area, can pay? The minister himself has admitted that this bill is weakly drafted, requiring further technical amendments. This is not surprising. This measure is so poorly planned that from the time it was announced in the May budget the government has been clarifying and adjusting it.

The government had to clarify that the levy would not apply to the first 200,000 square feet of taxable area, it had to clarify that it would not apply to free parking, and it had to bring in about 15 amendments. But this bill does not just require some adjustments. It must be withdrawn. It is inflationary. It infringes upon municipal autonomy and finances. It will aggravate the Toronto area's transportation problems, rather than alleviate them. It will have a detrimental impact on urban planning and perhaps most importantly it demonstrates a narrow and unacceptable vision

of a divided Ontario, with no revenue sharing and no understanding of the special needs of our diverse regions. A government with such tunnel vision does not deserve to govern.

**Mr Ballinger:** First of all, in my preliminary comments I would like to say how much I enjoy listening to the member for Mississauga South. I think there is only one slight problem with the presentation today. The honourable member does much better when she does not work from a prepared text and she does much better when she is not so negative. I do not think the taxpayers sitting at home today who may be watching this are going to be fooled by an individual member of the House who stands up and is completely negative.

The honourable member mentioned that I was paying attention very intently today and the reason was I was waiting, I was hoping that there might be one slight positive comment come out of the member for Mississauga South. But, Mr Speaker, do you know, there was not one. Day after day I sit in this House as a member and I listen to that honourable member complain to the Treasurer saying there is not enough money being spent on education. She is always saying in her riding she has all these students who are in portables, there is never enough money spent on education.

Today she stood up in the House and started badgering the Minister of Health (Mrs Caplan) because there are not enough hospital beds for cancer patients and we are transporting them too far. Day after day she stands up in the House and talks about transportation congestion coming into the greater Toronto area from her riding. On social services, she stands up in the House on a constant basis and says this Liberal government is not spending enough money on social services. That there are far too many people falling through the cracks.

## 1650

Just today again, her party stood in this House and was talking about the overcrowding of our correctional institutions. Every day, that Progressive Conservative caucus over there stands up in this House and says this Liberal government is not doing enough. Is it not interesting? Now we have a bill before the Legislature, Bill 46, and what is she doing? She is standing up and saying "Oh, you are taxing all those poor people." I just think it is a bunch of bunk.

**Mrs Marland:** I hope I will have a little attention while I rebut this favourite member for Durham-York.

The one thing he said that was absolutely correct was to say the taxpayers are not going to be fooled. He is absolutely 100 per cent on, because come the next election his government will know that the taxpayers of Ontario have not been fooled. They have not been fooled for the last three years. They know what is going on.

What his government fails to understand is that we as Progressive Conservatives believe in equity. This bill does not demonstrate equity. This bill penalizes people who happen to choose to live and do business in the greater Toronto area. I would have thought he was someone who would have been an advocate for small businesses that need to rent space in these large commercial buildings that will now be penalized by this commercial concentration tax. Those are the people for whom I have a great deal of concern.

I want to correct one thing the member said. He said that I stood in this House today and asked for more beds for cancer patients. I did not. I stood in this House today and asked about a woman who happens to be a constituent of mine, who happens to need radiation treatment for which there exists equipment in Toronto today but no trained staff to operate it and who has to go to Ottawa for her treatment. I asked that this Liberal government at least pay the cost for her husband to be there and for her to return to her family for support between treatments. That is the kind of caring government our government will be, come the next election.

**Mr McLean:** My colleague the member for Markham (Mr Cousens) is not here today. I know he would have loved to have spoken on this bill. I thought I could probably take his place and speak for him.

This Bill 46 says a lot about the way this government runs this province. Nothing this bill has to say is good. It says a lot about this government's appetite for tax dollars. It says a lot about this government's attitude towards municipalities. It says a lot about the ad hoc approach to budget-making that we have seen this year.

I would like to take a few minutes to deal with each of these points.

First on taxation: This bill will implement another of the more than 30 tax and levy increases imposed by this government since it took office in 1985. Given that record, it amazes me that the Treasurer and the Premier of this province have the gall to lecture anyone, including the federal Minister of Finance, on the need for tax restraint. With this bill, the government will create an entirely new, and I

would say a novel type of provincial tax in Ontario.

I say a novel tax for these reasons: First, it represents in my opinion a clear intrusion into municipal tax territory in that it involves the province in the taxation of a specific type of property. In addition, the tax is unique in that to the best of my knowledge it represents the first time the provincial government has directly levied a tax on the property of junior and lower-tier governments.

A second feature of this bill that makes this tax unique is the provision for regional application in a brand-new region in the province called the greater Toronto area or the GTA. For reasons I will touch on later, I think what the GTA really stands for is the greatest taxation area, but I will leave that matter aside for the moment.

As I was saying, the bill will impose this new tax only in this new region called the greater Toronto area and thus is a first in my experience since I have been in this place, the first time the Legislature has been called upon and asked to impose a punitive tax targeted on only one region of the province. Certainly, in the past we have provided tax breaks where regional or sectoral targeted tax breaks were designed to foster growth, development and employment in a region or industry, but in my years here I cannot recall the House ever being asked to support a regionally targeted increase in the tax burden that could potentially hamper growth, development and employment.

That is exactly what this bill is asking us to do, to impose a discriminatory and punitive tax in a region of the province that never existed until the Treasurer decided in his wisdom that he needed another cash cow to milk. With this bill, we are being asked to not only support this new tax, but also to legitimize this convenient administrative function called the GTA. We are being asked not only to create a new tax, but a whole new category of taxpayers.

As I mentioned earlier, this tax will be imposed only in the greater Toronto area, which this government seems bent on turning into the greatest taxation area in Ontario. The last budget certainly makes that clear with a raft of measures designed specifically to hit taxpayers in this new high-tax region.

In addition to this commercial concentration levy, we have a special higher vehicle registration fee for drivers in the GTA, who will also pay their share of the gasoline tax increases and will continue to pay for this government's disgraceful bungling of the auto insurance problem.



Beyond that, we have changes to the land transfer tax that will impact most heavily in the GTA where the past tax policies of this government have already contributed to affordability and supply problems in the rental and ownership housing markets.

I recognize that this government wants to encourage development in other areas of the province aside from the GTA, but doing that by making the GTA unaffordable seems to be a very destructive and shortsighted way of achieving that goal.

I think the Globe and Mail hit the nail on the head when in an editorial on 19 May 1989 it stated: "There seems little economic logic or social justice in the new Toronto taxes imposed by the Ontario government....Both the timing and the thinking are flawed....With the economy expected to grow this year at only half the rate of 1988, Mr Nixon may live to regret slapping an extra tax burden on the region that has been the driving force behind the longest and strongest expansion of the province's economy since the 1960s."

#### 1700

As for the user-pay rhetoric the government has used to justify this bill and the other special GTA taxes, the Toronto Star made an excellent point when it addressed the question of why people in Thunder Bay should have to pay for a new school in Simcoe county.

The Star editorial of 19 May advised, "...Before you answer that question, also ask why Metro taxpayers should contribute their tax dollars to a waste treatment plant in London or a hospital in Thunder Bay." It went on to state: "Surely the business of a provincial government isn't to ensure that everyone gets exactly as much out of the system as he or she puts in. The business of government is to respond to social and community needs." The editorial concludes, "Nixon's rationale for making the people of greater Toronto alone pay special...taxes and fees amounts to an admission that the Liberals don't understand this responsibility to act as a cohesive social force."

I believe that fact alone provides us with sufficient grounds to call for the withdrawal of this misguided and wrongheaded bill. This bill should also be opposed because it continues and perpetuates this government's back-of-the-hand approach to dealing with our municipalities. This bill should also be opposed because it continues and perpetuates this government's back-of-the-hand approach to dealing with our municipalities, and I say that again because of the reason

with regard to the transfer of taxes. Municipalities are finding it very difficult.

Every municipality should be opposed to this. It is now limited to the GTA. It could well represent the thin edge of the wedge that the province will use to drive intermunicipal tax capacity.

Furthermore, this bill, which will levy the tax on off-street municipal parking, will impose a new tax liability on our municipalities in the greater Toronto area. I would hope the minister would be in a position to tell us just how much they will have to pay to his colleague the Treasurer as a result of this bill.

Let us not forget that this is only one of two new taxes this budget inflicts on municipalities in the greater Toronto area. They will also be responsible for paying the employer health tax. We are being asked to increase the provincial tax burden on municipalities at the same time the government has chosen to flat-line its unconditional grants and municipal road grants, at the same time the government continues to offload its responsibilities on to municipal councils, a pattern we have seen with Sunday shopping, courtroom security, housing policies, and if it had had its way, with beer and wine in corner stores.

Personally, I feel under no great compulsion to help this government give the shaft to the municipal councils in the GTA, many of whom, I suspect, rather resent being lumped into the GTA in the first place.

The final point I want to make, and I want to bring the members' attention to this bill, is that it is a fine example of the type of ad hoc budget-making we have seen this year. This measure was so well planned and so well thought out that it was no sooner announced than the Treasurer was running around clarifying the fact that the levy would not apply to free parking. It was so well planned and thought out that the government itself has brought in 15 amendments or so, so far.

We have seen the same thing happen with a lot of legislation this government has introduced over the years. It does not seem to know where it is going until it gets there, and even then it is far from certain that it is where it wanted to be. This bill cannot be saved by amendment. The government should do itself a favour and do the people and municipalities in the GTA a favour and withdraw the bill. Bill 46 is a bill that in my estimation pits Toronto against the rest of the province, so to speak, with regard to a specific tax levy that is levied. What is the government

going to do next, levy specific taxes in other areas of the province for specific reasons?

I think the minister should reconsider this bill, with the amount of amendments he has, and I just want to say that I am pleased I had the opportunity to present my points. I want to say to the minister that I congratulate him on his appointment and I look forward to working with him.

**Hon Mr Mancini:** If the honourable members are all finished making their contribution, I thought I might take a moment or two to wrap up the debate. If not, I would be happy to listen to what anyone else has to say, especially the members of the opposition, because they have been so very helpful in this last day and a half with two bills we have had in the House, particularly this last bill, the commercial concentration levy on large commercial buildings that we have in the greater Toronto region.

A lot of members have asked why we wish to proceed with this commercial concentration levy. Many of them may have missed my opening remarks, because I believe I outlined very clearly at that time why we wanted to go forward with this tax. I listed the numbers of highway projects and other works that were specifically targeted for the greater Toronto area, works that are required because of the heavy demand on our infrastructure.

I believe the bill has been put together in a very thoughtful way. It certainly gave full consideration to the matter of small operators and even large operators, as a matter of fact, in that the first 200,000 square feet of property is exempt from the \$1-per-square-foot tax. It certainly gave consideration to facilities doing research and development, in that square footage which is used for that particular purpose, which is very important for our competitive environment, is exempt.

The Treasurer worked very diligently with a number of community organizations that made representations about the original idea. That is why a number of the amendments were made and that is why the bill changed somewhat from its earlier description.

I actually wanted to use this note, but I tell my honourable colleagues that I am not sure I can figure it out. If I figure it out during the next minute or two, I will be happy to use it.

The members asked about a couple of specific cases. I think the case of Jet-A-Way keeps coming up. Is that the name of the company? Jet-A-Way? That is the large concern that provides private parking for the use of families

and business people and individuals who want to go to Pearson International Airport. I have read comments where Jet-A-Way is going to possibly go out of business, and I have read comments where the parking fees may go up to \$3 or \$4 per day and maybe even higher.

Interjection.

**Hon Mr Mancini:** Somebody over here said \$6.50 per day. Unless we have not calculated the figures appropriately, we see the increase for that particular parking facility at approximately \$1 per day per vehicle or per spot that is available. I see all of my outstanding advisers nodding in the affirmative, which means that we are in fact correct.

As I look across the floor and take note of a former public servant with the Ministry of Revenue and a person who is schooled in the art of assessment, he of all people should have been able to get these figures correct. I am quite surprised by his exaggeration of this particular situation.

## 1710

One of my colleagues mentioned, about 15 or 20 minutes ago, our ability to deliver services needed by the general public. All honourable members know, because they go through a similar exercise themselves through their own constituency offices, that in order to meet the demands of the public and to provide the general public with a service that is needed, whether it be in health care, social services, transportation, natural resources or the environment, these endeavours that the government wishes to make on behalf of the population are very costly ones. Revenue-raising mechanisms are needed in order to support not only infrastructure but many other things that our province needs.

I hearken back to the constituency office, because I believe I remember general conversations, speeches or some committee meetings I attended where members of the opposition were informing the government that in order to meet the demands of constituents' requests at their offices, they needed up-to-date equipment like computers, extra staff and extra postage. They needed all these things. Of course, the members were quite right. The constituents were making these demands and they did need all these things, but I truly wonder how the members were able to obtain these facilities and equipment and then to provide these services if it were not from the general tax levy.

I note that the honourable members opposite know that in order to provide services—and I look at the former assessment officer when I say



this—you need tax dollars to do so. If you are unable to raise those tax dollars, you have two very simple choices: You say no to the services, let the infrastructure deteriorate and let the traffic problems grow worse, or you try to levy a tax which will—

**Mr Charlton:** Be fair. This one isn't fair.

**Hon Mr Mancini:** We want to do it fairly and we are doing it fairly. That is why we have the exemption. That is why we have targeted the area that is demanding the greatest in expenditure as far as infrastructure requirements are concerned. Yes, we are doing it fairly. It is just as fair as giving a heritage fund to northern Ontario—the honourable members support this, I know they do; I have heard their speeches—and just as fair as giving northern Ontarians cheaper licence plates; that is fair. That is a specific tax policy for a specific region. I have not heard anybody complain about that. I have not heard a single honourable member from the opposition ask that that be withdrawn. Yet I have heard them make complaints about specific tax policies for specific parts of the province.

The honourable member who served as an assessor or was in the assessment department before he was elected to the Legislature knows that it is very important to give out the correct figures. Actually I would have made comments about all the honourable members' speeches, but since this one particular member has stayed to listen to my remarks, I would like to focus on some of the things he said. He suggested that we were driving people out of business and suggested that these parking lots, particularly, would not be able to survive. He suggested increases in parking fees which he cannot substantiate. He plucked these figures out of the air in order to be dramatic. He mentioned the words, "We're driving people out of business," and he considered that to be his contribution to the debate.

Interjection.

**Hon Mr Mancini:** He asks me about records, what kind of records we have. To decide who is liable for the commercial concentration tax is not some kind of mystic, religious, complicated affair where we do not know what a building of greater than 200,000 square feet looks like. They are either long and wide and occupy more than 200,000 square feet, or they are tall and not so wide and occupy 200,000 square feet, or they are parking lots. As far as studies are concerned, it does not take a great deal of study to figure out what commercial buildings fall in this category. It is quite simple. We will provide that informa-

tion to the member at the committee hearings. We will be happy to see him.

The other thing I wanted to point out, if I can find my notes: One of the honourable member's colleagues kept referring to the commercial concentration tax on condominiums and apartments. I do not know whether all honourable members read the material we provide to them—I do not know if they even read the bill—but condominiums and residential dwellings were never contemplated to be in any way part of this tax.

The honourable members opposite, one of them, said something about parking lot fees being increased for university students, another complete distortion. Nowhere in the bill was it ever contemplated that parking lot fees for university students would in any way be affected. Universities are exempt by their own private legislation, and this exemption means very clearly that universities, including all their parking lots, will not be liable for the commercial concentration tax; specifically, York University and the University of Toronto, because I believe those two universities were mentioned. Their parking lots are not part of the legislation.

That is another example of the distortion I have heard from the other side. I do not necessarily believe that it is done on purpose or willingly; I just think that sometimes in the busy schedules of the honourable members, they think they have gone over all of their material when maybe they have not, or maybe they believe they read something that was not quite there.

We have agreed to have the legislation go to committee, hopefully for an appropriate length of time. Mr Speaker, you may or may not be there with us. I guess with your new duties in the Legislature, you may not be with us, but I know your well-read colleagues will be with us.

In closing, yes, the commercial concentration tax has changed somewhat since the announcement last May. Yes, there was a specific number of dollars that the Treasurer, the minister of finance, wished to raise. Yes, we have targeted in at around \$115 million to \$130 million, and yes, that money is going to be used to improve the infrastructure in the greater Toronto area so that economic prosperity can continue.

**The Acting Speaker (Mr Breaugh):** Mr Mancini has moved second reading of Bill 46, An Act to establish a Commercial Concentration Tax. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Hon Mr Mancini:** I believe there has been an agreement with the House leaders that this bill would go to the standing committee on finance and economic affairs.

Bill ordered for standing committee on finance and economic affairs.

House in committee of the whole.

1720

## COURTS OF JUSTICE ACT, 1989

Consideration of Bill 2, An Act to amend the Courts of Justice Act, 1984.

**Mr Polsinelli:** I would like to move down to the front row, as I will be bringing in staff to assist me on this bill.

**The Chair:** At this moment I would like to list all questions and comments and I would like to list the sections to which members would like to have questions, make amendments, corrections or whatever.

**Mr Sterling:** I have just given to a page a copy of a list of amendments that I will be proposing. I also delivered, late last week, a copy of those amendments to the parliamentary assistant for the Attorney General and to my friend and colleague the member for Welland-Thorold (Mr Kormos) from the New Democratic Party.

**The Chair:** That list is identical? There have been no changes?

**Mr Sterling:** I believe it is. It will become evident if in fact there have been some changes. I do not think there have been any changes since that time.

**The Chair:** So all the proposed amendments that you have are to sections 2, 3, 9, 32a, 32b and 32c? Is that correct?

**Mr Sterling:** Yes.

Section 1 agreed to.

Section 2:

**The Chair:** Mr Sterling moves that subsection 4(1) of the act, as set out in section 2 of the bill, be amended by striking out "General Division" in the third line.

Mr Sterling further moves that the bill be amended by striking out "General Division" wherever it appears in the bill and inserting in lieu thereof in each case "Supreme Court Division."

**Mr Sterling:** Under this bill, the Supreme Court of Ontario is basically done away with.

The present section of the legislation basically does away with the whole notion of having a Supreme Court in the province. The name of the court is the Ontario Court of Justice and I just do not see the purpose in doing away with the generic name of the Supreme Court of Ontario and substituting it with the name the Ontario Court of Justice at this time. I believe the people of Ontario should understand that the highest trial division in the province should be named the Supreme Court of Ontario and that name should be maintained.

That is the basic thrust of this amendment.

**Mr Polsinelli:** The Ministry of the Attorney General and I would like to thank the opposition critic for supplying us with a copy of his amendments a number of days ago. We have had an opportunity to go through them and he will be happy to know that we will be supporting some of them. Unfortunately, this is not one of the ones we will be supporting. We feel that the trial court, as established under the Courts of Justice Amendment Act, is not a Supreme Court and in fact that name is misdescriptive.

One of the other things this act is trying to do is to avoid the hierarchical concept that is presently in existence under the existing Courts of Justice Act and we feel that reintegrating the name "Supreme" at this level of court would continue that hierarchical concept.

Another factor is also that some decisions have yet to be made. We may one day want to have a top appeals court in Ontario called the Supreme Court and we would like to leave the Ministry of the Attorney General at that time the discretion to do that. We will not be supporting this amendment.

**The Chair:** All those in favour of Mr Sterling's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Chair:** Mr Sterling moves that subsection 4(1) of the act, as set out in section 2 of the bill, be amended by striking out "Chief Judge" in the second line and inserting in lieu thereof "Chief Justice."

Mr Sterling further moves that the bill be amended by striking out "Chief Judge" wherever that expression occurs referring to the Chief Judge of the Ontario Court and inserting in lieu thereof in each case "Chief Justice" and by striking out "Chief Judges" wherever the expression occurs referring to Chief Judges of the



Ontario Court and inserting in lieu thereof in each case "Chief Justices."

**Mr Sterling:** For those who are familiar with the hierarchy of the courts, the intent of the amendment is clear. It basically makes the highest judge of the Ontario Court a Chief Justice, rather than a Chief Judge. I think it is more appropriate than having it as it is now in the legislation.

1730

**Mr Polsinelli:** The opposition critic will know that the ministry's opinion on this is that it is in concurrence with this amendment. In fact, it is an amendment that has also been requested by Chief Justice Callahan and the federal minister and we will be supporting this amendment.

#### Statutes

1. Annulment of Marriages Act (Ontario) (Canada)
2. Change of Name Act, 1986
3. Child and Family Services Act, 1984
4. Children's Law Reform Act
5. Divorce Act, 1985 (Canada)
6. Education Act
7. Family Law Act, 1986
8. Marriage Act
9. Minors' Protection Act
10. Reciprocal Enforcement of Maintenance Orders Act, 1982
11. Support and Custody Orders Enforcement Act, 1982
12. Young Offenders Act (Canada)

#### Provisions

- All
- All
- Parts III, VI and VII
- All
- All
- All
- Sections 6 and 9
- Section 2
- All
- All
- All
- All

"(4) Subsection (3) comes into force on a day to be named by proclamation of the Lieutenant Governor."

**Mr Sterling:** This is an addition to the act which would immediately put into place basically what we have had on a pilot basis for some period of time in the province of Ontario, and that is that this amendment will put into effect a Unified Family Court right across the province. We just think it should be implemented at this time or contained in this legislation so that the Attorney General (Mr Scott), when he gets the proper mandate from the federal government, which has to co-operate in taking this step, will be able to go ahead on proclamation and implement the Unified Family Court for all of Ontario. That is the effect of this particular amendment.

**Mr Polsinelli:** The Attorney General on 1 May 1989 announced a multi-stage reform of the court system in Ontario, and one of the things we want to do is to have a Unified Family Court in this province. It is an objective of the Attorney General and it is an objective that we hope will

**The Chair:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

**The Chair:** Mr Sterling moves that section 10 of the act, as set out in section 2 of the bill, be amended by adding thereto the following subsections:

"(3) The General Division has exclusive jurisdiction in respect of family law proceedings, and without limiting the generality of the foregoing, it has exclusive jurisdiction in respect of the provisions set out in the following table:

come to fruition when the phase 2 recommendations come into play.

The amendment we have before us today would strip the provincial division of all family jurisdiction and purport to create a province-wide Unified Family Court now. We feel it is premature to do that. We do not have the federal government's concurrence to do this and, quite frankly, the workload that would be transferred from the existing provincial court judges to the judges of the General Division would be of such an amount that it would put inordinate pressure on the federal government to appoint new judges.

One of the things we feel is that this is the wrong way to proceed in terms of amending the court system. As the member knows, we are in partnership with the federal government in the administration of the courts in this province and we do not do things without first advising and having the concurrence of the federal government. As we move into phase 2, we would like to work with the federal government in terms of having its concurrence in developing a Unified Family Court for the province. Accordingly, we cannot support this amendment at this time.

**Mr Kormos:** This, like the other amendments, is one which we are generally supportive of. I have one particular concern, though; that is, the inclusion of the Young Offenders Act. It appeared to be part of the government's design to have family court judges hearing all Young Offenders Act litigation or prosecutions. Indeed that was the message that was put out. That shocked people across the province because to a large extent they saw the Young Offenders Act as being misapplied in so many circumstances, in any event.

The prospect is that judges who did not have criminal expertise would be hearing prosecutions under the Young Offenders Act. Call it whatever you will, the fact is you are dealing with people who are committing robberies, thefts, rapes, murders, what have you. In my books, and in most people's books, those are criminal offences. In fact, there is a wider scope of defences open to young offenders, for instance, when one considers section 46 alone. There is a whole new array of defences that are well more within the scope and capacity of a judge who is trained and whose background is in criminal matters.

My concern is that the government itself would have contemplated the utilization of family court judges either at the existing provincial level or down the road at the General Division level—Unified Family Court judges doing young offender litigation. They are the judges who are least capable of doing it. Those judges have no background or tend not to have any background in criminal litigation. They tend not to have any background in criminal evidence and are unaware even of, let's say, sentencing ranges.

I am concerned and I am curious. I am concerned as to why the government would have wanted family judges to be doing young offender litigation, and I am wondering why we have this amendment by the member for Carleton (Mr Sterling). As I say, I am in agreement with its general tone or its general thrust. I am wondering why the member for Carleton in his amendment would have similarly included the Young Offenders Act among those other statutes which are going to be dealt with by family court judges.

Let's not mince words. We are talking once again about people who steal, people who rape, people who murder, people who rob. They happen to be under 18. In the old days not so long ago, those 16-year-olds and 17-year-olds who raped, robbed, murdered and stole were dealt with in criminal court and were the beneficiaries

of principles enunciated in our Court of Appeal, that accorded leniency to youthful offenders.

**1740**

In its wisdom—I guess I was not being totally sincere when I said that—or in whatever perverse approach the federal government took when it created the Young Offenders Act, it somehow decided that in treating kids up to 16 in that chamois-gloved manner, at least in this province, the Juvenile Delinquents Act was going to be extended up to 16-year-olds and 17-year-olds. That was entirely inappropriate in my eyes and, I submit, in the eyes of the vast majority of people across the province.

I am wondering if the parliamentary assistant to the minister might help us a little with what the government's long-term plans are about putting young criminals, under the guise of young offenders, into family courts as compared to criminal courts.

I wonder—I do not know—if the member for Carleton is prepared to vary his amendment to delete number 12 on his table so that exclusive jurisdiction was not given. "Exclusive" means precisely that. I have some real concerns about that. The member may share some of those concerns. I am not sure.

**Mr Sterling:** Let me try to persuade my colleague. Basically, this amendment would lift the whole family court structure into the General Division so that every judge who was sitting in the family court dealing with any of these matters would have the equivalent status of what we now know as a district court judge or a Supreme Court judge, all in one stage.

Therefore, the member's remarks with regard to the seriousness of the offences he is talking about under the Young Offenders Act would be dealt with by what is in the General Division, or is assumed in this General Division, to be a district court judge or a Supreme Court judge. What you are doing is elevating all of the family court judges immediately into the General Division and elevating their status to that of a jointly appointed judge.

Therefore, I do not see it as demeaning the kind of offences that would be heard under the Young Offenders Act. At the same time, I do not know if that explains to him exactly what the amendment does. It lifts all of these judges up one notch, basically, and takes them to the second stage of court reform before it actually happens.

I find it passing strange that the parliamentary assistant to the Attorney General and the Attorney General himself do not grab on to this



amendment. Here is an amendment coming from the opposition side which is saying in effect—although I hate to say it—“We trust you to implement this whenever you see fit to implement it.” Because what it says is: “You have all the time in the world to make your peace with your federal brethren. Go ahead and make your peace, then proclaim it.”

I am just trying to save the time of the Legislature. How often does the government get that kind of offer from a member of the opposition? How often does it get that kind of offer? If this were a housing bill, I know the Minister of Housing (Mr Sweeney) would jump up and down and say, “Norm, you’re a great guy.” He wants me to be the critic for the Ministry of Housing now, I think. But notwithstanding that, I do not understand his reluctance to accept this.

I agree that the government has to get some approval from the federal government, because these judges no doubt would have to be jointly appointed under our present constitutional structure. But we have already done that in the city of Hamilton. We have a Unified Family Court there. Why is the government reluctant to take this legislative tool and hold it in abeyance until it gets that approval? I do not understand the government’s objection to a member of the opposition putting this forward. If it does not take it now, we may object to it later.

**Mr Polsinelli:** The opposition critic from the third party is already on record, and he would have a hard time objecting to it later, but I should point out that it is our feeling that the problems in terms of dealing with young offenders are with the Young Offenders Act itself and its penalties. The Attorney General is already on record as requesting the federal amendments, and there may be a willingness on the part of the cousins of the third party in Ottawa to amend that act.

In terms of dealing with whether the family court judges should have the authority to deal with the Young Offenders Act, we now have a case in Hamilton where the Unified Family Court presently exists, deals with the Young Offenders Act and deals with it very adequately.

Those are my comments.

**Mr Sterling:** Just before my friend stands up from the New Democratic Party, let me say that these particular statutes were included because they were the statutes that were included for the Unified Family Court in Hamilton and therefore they were lifted right out of the regulation—I believe it is by regulation—that was given in

terms of jurisdiction to those jointly appointed judges in Hamilton.

The amendment of the Young Offenders Act has nothing to do with this amendment. The Young Offenders Act can be amended many times and still would fall within the mandate of this section.

Again, the member has not explained the government’s reluctance to take the power. I would have thought the government would have a positive statement to go to our federal government and say, “Look, not only did the government want to take another step in developing the Unified Family Court for all of Ontario but the opposition, your cousins down at Queen’s Park, put forward this amendment which gives us the right to proclaim this as soon as we get agreement from you.”

What will happen is the government will go and make its deal with the federal government, and then it will have to come back to this Legislature to change the law once again. That will take a longer time. Many areas of the province would benefit greatly from a Unified Family Court and, therefore, what I am trying to do is bring the time down to a more reasonable timetable. Again, I do not understand the government’s reluctance to accept this amendment.

**Mr Kormos:** Let me say just a couple of things, very briefly. One, we are not opposed to the concept of Unified Family Court. It is obvious that the intention of this amendment is to reinforce the likelihood of there being Unified Family Courts in this province in, let’s say, the foreseeable future. But our perspective of the need for Unified Family Courts is based on them performing precisely family law functions, which in our view excludes young offender functions.

Granted, these are what are now district court judges or Supreme Court or High Court judges. It remains that those very same judges tend to do work in a given area, and obviously in the case of those who are Unified Family Court judges, their area of expertise is in matrimonial and family law type of litigation, not in Young Offender Act litigation.

Again, that was our concern. The Young Offenders Act is criminal legislation or should be perceived as criminal legislation. This is where I have to comment once again, albeit briefly, on what the parliamentary assistant to the Attorney General says. He stands up here and says the problem with the Young Offenders Act is what

the feds did in terms of creating the act. He knows better than that. I know he does.

One of the problems with the Young Offenders Act is obviously here in the province in that judges do not have any places when they want to put these kids away to put them away to. The fact is that open-custody settings are unavailable in most parts of the province. What judges will be inclined to do when they are made aware that open-custody facilities are not available is send the kids back out on the street.

The fact remains that secure-custody facilities are pressed in the province and, although the physical buildings may be there, the programs are chimerical.

## 1750

That gets to the final point, which is something perhaps of overriding and paramount concern, certainly for us here in the opposition. The government has this whole package of reforms, which was announced in the House on 1 May, May Day. A bill was presented some time after that. There was purported consultation during the summer just past. The government had available to it all sorts of expertise. I am talking about the Advocates' Society, the Canadian Bar Association—Ontario, and the Criminal Lawyers Association, among others. Their first response, at least the first response on the part of most of them, was: "Whoa, this bill is very, very dangerous. You guys had better proceed with great caution or else you are liable to be jumping from the frying pan into the fire and you're liable to be creating far more problems than you think you're going to be solving, no two ways about it."

The government of course carried on during the committee hearings by saying, "Of course we want to hear what you have to say, but say it really fast, like in five minutes, and then get the hell out of here, because we haven't got time to hear any more." The government is doing some real sucking and blowing. They say they want to hear what these interested parties have got to say and then they send them away and tell them, "No, we didn't really want to hear you; we were only joking."

It remains that those same groups, the Canadian Bar Association—Ontario and the Criminal Lawyers Association, among others, said: "Please, give us, let's say, two more months. Okay, we'll settle for a month or a month and a half to consult with our membership, review the bills and, more important, review the amendments," which were tossed in their faces the last minute, "so that we can

provide some meaningful input into the preparation of this particular legislation, legislation that is going to have a significant impact on every person here in the province of Ontario for a long time yet to come."

Again, we are talking about expertise, which if you had to buy it on the open market would cost hundreds of thousands of dollars, available to the government for free. The government did not want it. The Attorney General shrugged them off. That is not unusual. He has shrugged off the justices of the peace in Ontario. He shrugged off the provincial judges. Heck, as recently as the last couple of weeks, he shrugged off the Chief Justice of the Supreme Court of Canada. We talked to the Attorney General, at least tried to, here in the Legislature about the letter dated 28 September 1989 where not a JP, not a provincial judge, not a district court judge, but, my goodness, the Chief Justice of Canada, Chief Justice Dickson, takes time out of his schedule to write a letter to the Attorney General, saying: "We have taken a look at your legislation, and I am sorry but it looks horribly flawed. You had better proceed with some caution. Maybe we can help you a little bit, because you have created some really serious problems."

The practical effect of that is that somebody down the road in the not too distant future, if the government rams this stuff through, somebody, a litigant in a matrimonial action, a litigant in a civil suit, perhaps somebody, just plain folk, trying to seek some redress through the court is going to be put to a whole lot of expense, an incredible expense, because the forum in which he or she choose to proceed with litigation is going to be challenged by the other party as being something that is contrary to, among other things, the Constitution.

The government cannot say it was not told so. They were told so by us and they were told so by the committee members from the Conservative Party. They were told so by the Chief Justice of Canada. But, as I say, the Attorney General prefers to shrug off, dismiss, the advice of the Chief Justice of Canada. That is pretty incredible. That is as arrogant as you could ever want to get. The Attorney General is a lawyer and he has been involved in a few courtroom bits of litigation and I know he has got lawyers working on his staff, but, holy cow, here he is; he is dismissing the Chief Justice of Canada as basically being a nobody. He is simply saying: "Who's this Dickson guy? Chief Justice what? Supreme Court of Canada? What's that? I am Ian Scott. I am the Attorney General of Ontario.



What do I need to hear from the Chief Justice of the Supreme Court of Canada for?"

There you go, free advice available to the government. Now the government wants to proceed with this stuff. It is going to ram it through with its majority, no two ways about it. But, holy cow, there is going to be a whole bunch of people over here saying "We told you so" when this thing blows up in its face. It is guaranteed to do that.

The Attorney General was in here during question period last week saying: "Okay, I know I got the letter from the Chief Justice of Canada, but we solved those problems. We made our little amendments solving the constitutional problems." Well, bull feathers. He is no more believable in that respect than he is in so many other respects. The public of Ontario is not going to believe him and did not believe him when he told the Leader of the Opposition (Mr B. Rae) that during question period. Quite frankly, the public of Ontario has a little more confidence in the opinion of the Chief Justice.

**Mr Callahan:** Mr Chairman, on a point of order.

**The Chair:** Order. You have a point of order to which standing order?

**Mr Kormos:** I am sorry, Mr Chairman, I did not see him. He is so far away.

**Mr Callahan:** The point of order is that the member has addressed an issue in terms of the believability of a member of this House. That is contrary to the standing orders and he should be required to retract that statement.

**Mr Kormos:** I never said I did not believe him, I am saying the public across Ontario is not believing him. I am only telling the member what I see and hear out there. My goodness, Mr Chairman, what more can I do but bring into this House my day-to-day experiences out there in the community I come from; good, honest folk who do not believe the Attorney General or the Premier (Mr Peterson), or the rest of that government as far as that goes.

**Mr Callahan:** I believe that a point of order is nondebatable, and he is debating it, but I would suggest that is not what he said. He deliberately made a statement about a member of this House in terms of the believability. That is contrary to the standing orders and he should withdraw it.

**The Chair:** I think it is rather debatable, but I would ask the member to be very careful, to make sure that he does not let that impression go by. The member may continue.

**Mr Kormos:** I am going to exercise as much caution as I can muster up on a Monday afternoon. I have looked in my little bank account under the caution deposits and, boy, I have used up a whole lot in the last while, but there is a little bit left that I will draw upon.

In any event, what we are talking about here is absolutely no consultation, absolutely none. The Attorney General had smart, capable people prepared to give it, and he had people appearing before the committee saying, "Yes, we are prepared to participate," and we wanted to believe him when he said he was going to consult with us. Lord knows, we wanted to believe him, but how can we believe him when he says he wanted to consult with us but he sends us away when we ask for one more month to prepare our material, because he rammed this stuff through so quickly. The bill was not presented on 1 May, just the announcement, and of course, it is oh so flowery and sounds like it might fly, even to the extent where I stood up on behalf of the opposition and said: "Yes, in principle, we endorse these types of reforms. Indeed, these are reforms that should make the court system more accessible, less expensive for litigants, speedier."

Lord knows, there will not be a whole lot of litigants, because what has happened recently—this is what happens around here—on the one hand they are saying, "We are going to try to make the courtrooms more accessible," and on the other hand the government is trying to pass legislation that is going to make it impossible for 90 per cent to 95 per cent of motor vehicle accident victims here in the province to collect any compensation for their injuries. It is going to deny them the right even to go to court if they have to to get compensated, to seek compensation from guilty, negligent, drunken, careless driving parties. So I guess it is six of one and half a dozen of the other in that respect.

It remains that we are concerned, lawyers who have a stake in the system, because they know how the system works, quite frankly, and judges, because it was not just lawyers but it was district court judges, old county court judges, or young ones—they used to be called county court judges, now district court judges—who similarly wrote to the committee and said: "Slow down. Let us help you. Let us take a look at this legislation."

The fact is that they were probably right and the fact is that it is probably simply going to be a matter of saying, "I told you so," if it were not sadly also the case that somebody is going to get hurt in the process. Not any of the people in here,

although a few Liberal members—a few? holy cow, the way I hear it, a whole bunch are going to have their constituents turn on them in the next election—but it remains that those innocent people who are forced to use the court system are going to be hurt by this legislation because the government has not presented well-thought-out legislation—

**The Chair:** May I suggest to the member that he move the committee rise and report, because we have to report to the Speaker?

On motion by Mr Kormos, the committee of the whole House reported progress.

The House adjourned at 1800.

## ERRATUM

No.	Page	Column	Line	Should read:
58	3316	1	53	<p>Au nom du Parti conservateur de l'Ontario, j'aimerais indiquer que nous sommes opposés à ces mesures, qui visent à ajouter des impôts aux autres impôts versés par les gens de l'Ontario. Les effets de ces impôts seront très sévères pour n'importe quelles personnes et pour n'importe quelles entreprises dans n'importe quelles régions de l'Ontario.</p> <p>En réalité, c'est un impôt supplémentaire que les gens de l'Ontario doivent verser, soit directement, soit avec des augmentations de prix dans chaque petite entreprise et chaque magasin. De plus, c'est là un véritable changement de relations économiques et financières entre le gouvernement du Canada et le gouvernement de l'Ontario — et sans négociations. Alors, voilà une autre crise dans les relations fédérales et provinciales au sujet des impôts et de ce qui a trait aux finances.</p> <p>Au cours des dernières semaines, nous avons entendu les réponses de la part des organismes des petites entreprises ici en Ontario. Tous ces organismes se sont opposés à ces mesures fiscales imposées par le gouvernement libéral de l'Ontario.</p> <p>Dans chaque région, par exemple à Timmins, à Iroquois Falls, à Matheson, à Essex-Sud, à Niagara-on-the-Lake, dans chaque municipalité et dans chaque région, il y a beaucoup de gens qui ont des craintes quant à l'avenir de notre province du point de vue économique, à cause de ces impôts, à cause de la politique économique du gouvernement libéral de l'Ontario, et surtout à cause de la politique économique du gouvernement du Canada.</p> <p>Il faut que les membres du Conseil des ministres de M. Peterson, ici en Ontario, et ceux du Conseil des ministres de M. Mulroney à Ottawa répondent à ces questions et à ces craintes. Il faut également que le gouvernement libéral explique à ces gens les effets que ces impôts auront dans leur vie. Il faut enfin que le gouvernement nous explique l'avenir de la politique économique de l'Ontario.</p>



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
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 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
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 Curling, Alvin (Scarborough North L)  
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 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaitre, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
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 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
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 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
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**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
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 Martel, Shelley (Sudbury East NDP)  
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 McClelland, Carman (Brampton North L)  
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 McGuinity, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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No. 61

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Tuesday 31 October 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 31 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### METRIC SYSTEM

**Mr Kormos:** This is an imperial-sized piece of paper. This is a metric-sized piece of paper. This is the imperial and this is the metric. Imagine my surprise when I got a memo in the legislative office right here at Queen's Park telling me that I had to switch from metric to imperial, switch from centimetres to inches.

Look, I confess that when the speedometer of my truck reads 120 I have to convert it to miles before I know that I am speeding, but some years ago, the government of the day here in Ontario decided to switch to metric paper. They were being trendy.

What happened was that the federal Liberal government told them it was the way to go, and go they did, costing taxpayers in Ontario hundreds of thousands, probably millions of dollars in the interim. "But only joking," said the federal Liberals, because did the federal Liberals go metric? Oh, no. But did Ontario jump on the bandwagon? Oh, yes.

A pretty expensive joke on the taxpaying public, one that is not seen as particularly funny. It is this type of gross mismanagement and lack of planning that makes voters so cynical. It makes them mad as hell, rightly so. To switch from imperial to metric and now, a decade or so later, to be told to go back to imperial is just plain dumb.

### UKRAINIAN LANGUAGE

**Mr Jackson:** I rise to acknowledge a truly landmark event which occurred yesterday in Ukraine. On 30 October 1989, the government of Ukraine in Kiyiv enacted legislation which formally made the Ukrainian language the official language of that country and its people.

This legislation marks the beginning of the end of cultural colonialism in Ukraine. Ukrainian will now serve as the main language of instruction in all schools and administrative institutions. Ukrainians will now no longer be afraid to use their own language publicly in their own country

as they walk together along city streets or sit down casually in cafés. Ukrainian students will no longer feel obliged to speak in Russian in Ukrainian university halls and college residences. The work of Ukrainian poets and writers can now be made more widely available.

Yesterday's announcement in Kiyiv is one which is being greeted by the Ukrainian people everywhere with disbelieving joyfulness and tears. On behalf of the Progressive Conservative Party and as someone with deep Ukrainian ancestral roots, I would like to congratulate the Ukrainian people who begin their first day as a culturally free nation.

I think it entirely appropriate that I should end by quoting the Ukrainian poet Ivan Franko, who, in a moment of prophetic vision wrote:

[Remarks in Ukrainian]

Translated, this means, "I am a nation that is rising, even though I was locked up in a tomb."

### ROBSON-LANG LEATHERS INC

**Mr Owen:** I recently questioned the Minister of Labour (Mr Phillips) in this House about the concerns expressed by former Robson-Lang workers and their families over the long-term health effects of exposure to chemicals used in the leather tanning process. These concerns focus on the possibility that some of these chemicals, such as chromium, are carcinogenic.

The minister indicated at that time that an investigation was being conducted and that its success would hinge on a thorough survey of former employees.

Because of the level of concern, a steering committee consisting of representatives of the union, the tannery association and the ministry will oversee the investigation. To assist in the search, the Ministry of Labour has established a hotline, (416) 965-6375, for former employees to contact. All information will be received strictly on a confidential basis. I urge all former employees and their families who are concerned to contact the Minister of Labour.

I expect that former workers of this Barrie tannery will participate in the ministry's investigation for their own peace of mind. I am sure the investigators will have the complete co-operation of everyone concerned and thus will have the best



possible information on which to base their conclusions.

There is also some concern that chemicals had been dumped untreated into a nearby creek and into Kempenfelt Bay. The Ministry of the Environment is investigating these allegations and anticipates the co-operation of former workers in its investigation. I hope that the peace of mind of the entire community will soon be restored.

#### WORKERS' COMPENSATION

**Miss Martel:** Last Wednesday evening, a small but very significant victory was achieved in the otherwise dismal forum of workers' compensation battles. The Ontario Federation of Labour convinced the Minister of Labour (Mr Phillips) that a bipartite committee of labour and management was necessary to develop the regulations on Bill 162. Further, it was agreed that those onerous regulations proposed by the Workers' Compensation Board in its discussion paper would not be implemented by January 1990, as the board had hoped.

I expected, even though I was not here, that the Minister of Labour would announce this momentous event on Thursday last. Again, yesterday, they were silent on this matter during ministerial statements. Therefore, I am pleased to congratulate the OFL on its success and to take some small credit in forcing the ministry to change the regulation-making process. This proves that the board cannot be trusted with the power it has. It also proves that the Liberal government was dead wrong, as we warned it, in giving the board more power under Bill 162.

With the victory on regulations, the next logical change should be with the WCB board of directors. At present, the minority labour representatives are constantly being outvoted by other board members. A change would reflect a serious government commitment to allow workplace parties to deal with these issues. It is high time to replace the present structure with a truly bipartite board to deal with compensation matters. I await an announcement on this matter in the very near future.

#### RACE RELATIONS

**Mr Cousens:** I would like to share with the House and the people of Ontario information about a conference that was held in my riding in the town of Markham on Saturday. It was a race relations conference, which was conducted by the town of Markham in co-operation with the Ontario government and other groups known as

CREEM, which stands for the Committee on Race and Ethnocultural Equity of Markham.

The cream of our society was there on Saturday, with in excess of 200 people coming together to participate in a conference to learn more about how we can work together as a community to bring out the best of all the different groups and cultures. This was an excellent conference that enhanced harmonious race and ethnocultural relations in the town of Markham. It provided information on various services available on education, employment, health and social services, housing, recreation and the police. There was an opportunity for all of us to listen to one another and respond effectively to identify needs.

I would like to compliment our local town council and all those who participated for their efforts on CREEM. I think that we all have to continue to work very hard and diligently so that those people who make up our community have a sense of being part of it and are respected for who and what they are and so that we all continue to work effectively together.

1340

#### CAROL RISEBROUGH

**Mr Eakins:** I am pleased to join all members of this House in acknowledging the great achievement of Carol Risebrough, who won the annual prestigious national award from the Young Drivers of Canada-Goodyear literary contest. Carol, a resident of Mariposa township in Victoria county, is a grade 13 graduate of Lindsay Collegiate and Vocational Institute and is now a first-year student at the University of Western Ontario majoring in music.

All entrants were required to write an original short story on the topic, *How I Feel When My Friends Drive*. Carol's short story entitled *Going It Alone* addresses this common question on the minds of so many of our young people today. Carol's contribution has won her full university tuition for three years and a one-time cash award of \$500 for books. Her winning composition was selected among each qualifying grade 11, 12 or 13 entry from every public and private secondary school across Canada.

This is truly a celebration of the remarkable achievement by Carol Risebrough, the Young Drivers of Canada and the Lindsay Collegiate and Vocational Institute in underscoring the importance of safe driving practices.

#### HAMILTON INTERNATIONAL AUTO SHOW

**Mr Allen:** Normally, I enjoy going to an auto show, even though the modern love affair with

the car is a major problem of our time. I regret that this year I will not be attending the Hamilton International Auto Show beginning tomorrow night.

The managers of the show have chosen this year to showcase as their feature attraction what has to be ranked as one of the most offensive examples of ostentatious wealth and conspicuous consumption. Their showstopper is the world's most expensive stretch limousine, covered with 23,000 gold-plated coins, sumptuously appointed and equipped, owned by a Toronto millionaire and produced in Toronto by North America's largest manufacturer of these symbols of decadent wealth.

A Toronto millionaire owns the world's most expensive stretch limo at a time when Toronto food bank clientele stands at 84,000 a month and climbing. What a comment on the meaning of becoming a world-class city.

Hamilton auto dealers choose this monstrosity as a symbol of their show at a time when food banks and hostels are growing in Hamilton, too, and the last food drive collected only a fraction of its target. What kind of symbol is that for the people of my city, who like to call themselves the ambitious city? Is this gilded stretch limo really the proper object of our ambition?

Perhaps next year the show will feature a small, efficient, environmentally friendly car, more in keeping with one of the major challenges of our time, and I will be happy to attend.

#### HALLOWE'EN

**Mrs Cunningham:** It is Hallowe'en, a time when the ghouls and goblins come out to play, the perfect day for a cabinet meeting. To help some get into the spirit of the day, I want to offer some suggestions on how they should dress for this evening's festivities.

Given what the Treasurer (Mr R. F. Nixon) has done to the taxpayer, it is only fitting that he should dress up as Vlad the Impaler, and having bled everyone else dry, should spend the night trying to get blood from a stone. All taxpayers should wear a string of garlic when they see the Treasurer approaching their door.

The Minister of Health (Mrs Caplan) should dress up as a nurse. She could call herself Cherry Aimless. Since candy may be dandy but it is bad for our health, the minister would like to receive packs of cue cards instead. Those wishing to contribute may phone on the phantom hotline.

The Minister of Industry, Trade and Technology (Mr Kwinter) should go out as the Invisible

Man to lead the invisible fight against the free trade agreement.

For the Minister of Education (Mr Conway), may I suggest that he try to dress up as a portable and go stand in a schoolyard for a few years.

The Minister of Housing (Mr Sweeney) and the Minister of Financial Institutions (Mr Elston) will spend the night as mythical creatures: a vacant affordable apartment and lower auto insurance premiums, respectively.

As for the Premier (Mr Peterson), he could, for obvious reasons, go out as either the Joker or perhaps Frankenstein. Perhaps we could put it to a vote later this afternoon.

It is, of course, no joke to see what the Premier and his cabinet sometimes have done while in office, and it will certainly be a treat to see the voters turn the trick on them in the next election.

#### HIGH TECHNOLOGY

**Mr Tatham:** High-technology business says, "The network is the factory." The next generation of networks, the open generation, built on open systems interconnection, OSI, standards, will revolutionize the production of goods worldwide. These networks will lead to and from all factory floors around the world.

Why? Because that is where the big payoffs will be, the places where more human knowledge will be turned into more useful products than anywhere else. In short, factory floors are the places where the big wealth will be made.

But the factory floors will not be where they used to be. In fact, they will not even be what they used to be. Manufacturing automation protocol/technical and office protocol, MAP/TOP, will change everything. From now on, economic value will be added in the MAP/TOP networks themselves, not on any traditional factory floors.

To get maximum effectiveness, the industry leaders will require that suppliers and customers adopt MAP/TOP technology, and to help everyone out, the leaders will make available full OSI network services at very low cost. Like the airline reservation systems of today, these new strategic networks will grow to become more important than the manufactured products.

The MAP/TOP/CIM—computer-integrated manufacturing—bottom line: The industrial leaders around the world are in a competitive race and they know the first ones to secure the full advantages of the CIM—across customers, the enterprise itself and suppliers—will win. The winners will be the new industrial age.



**The Speaker:** I might just draw to the attention of the members standing order 22(a), having listened to members' statements today, which states, "Every member desiring to speak must rise in his or her place and address the Speaker, in either English or French."

## STATEMENT BY THE MINISTRY

### ONTARIO MOTOR VEHICLE ARBITRATION PLAN

#### PROGRAMME D'ARBITRAGE POUR LES VÉHICULES AUTOMOBILES DE L'ONTARIO

**Hon Mr Sorbara:** I am very pleased to announce that this government has endorsed significant improvements to the Ontario Motor Vehicle Arbitration Plan, or OMVAP as it is commonly known, and to making this innovative program a permanent one.

OMVAP was officially launched in November 1986 and is a unique, co-operative, nonlegislated approach to resolving consumer car purchase complaints. It provides Ontario residents with qualified, independent arbitrators to settle consumer disputes concerning alleged manufacturing defects in vehicles and is an inexpensive and fast alternative to the courts. There is also no cost to the taxpayer.

Le Programme d'arbitrage pour les véhicules automobiles de l'Ontario a démarré officiellement en novembre 1986. Il constitue une démarche unique, fondée sur la coopération des parties sans recours à aucune mesure législative visant à donner suite aux plaintes des consommateurs lors de l'achat d'une automobile. Il fait bénéficier la population de l'Ontario de la compétence d'arbitres indépendants aptes à régler hors cour, d'une manière économique et rapide, les litiges des consommateurs au sujet de prétendus vices de fabrication sans grever le fardeau du contribuable.

The decision to proceed with this program follows a thorough review of the overall effectiveness of the experimental program by an independent evaluator. I should tell you, Mr Speaker, that the two-year review conducted by Dr Peter Mercer, the dean of the faculty of law at the University of Western Ontario, is an in-depth analysis not only of Ontario's program but the various dispute resolution programs and so-called lemon laws in the rest of Canada and the United States.

Following the recommendations of the report, agreement has been reached to implement a

number of important improvements to the program.

First, to ensure even more fairness in arbitration awards, a generous buyback formula has been developed.

In addition, reasonable, documented out-of-pocket expenses, up to a maximum of \$350, will be eligible for reimbursement in an award made by OMVAP.

Third, plans are under way to enhance the training courses for OMVAP arbitrators, and regular refresher courses will be scheduled.

Greater emphasis will be placed on promoting consumer awareness by the OMVAP board and its member organizations. The promotion will be funded by the OMVAP program.

As of June 1989, 7,162 inquiries about the plan were lodged, with 886 cases settled and only 64 pending. In better than two thirds of the total cases, the consumer received either a cash or a repair award or settlement. The average amount of the buyback awards was approximately \$12,000. The average turnaround time for registration of a complaint to the arbitration hearing date is down from 11 weeks to four weeks.

Due to the success of the program, the OMVAP board and my Ministry of Consumer and Commercial Relations have agreed that a move to legislate the program at this time could seriously weaken the commitment of the voluntary participants.

Considérant le succès du programme, le conseil du PAVAO et le ministère de la Consommation et du Commerce, que je dirige, sont d'avis que légiférer dans ce sens à l'heure actuelle pourrait sérieusement freiner l'élan de coopération des participants volontaires, qui sont la clef de voûte de ce programme et qui font sa réussite.

To ensure OMVAP continues to address the needs of consumers, another independent review will be conducted at the end of the next two-year period, with a full report to the board and to the government. OMVAP is in the process of negotiating long-term funding contracts with the participating car company associations, as well as putting in place a permanently funded administrative structure.

The success of OMVAP can be traced to the hard work of the people involved in it. I want to thank, personally and on behalf of the government, the chair of OMVAP, Dr Wes Rayner, who has worked tirelessly and on a voluntary basis to make OMVAP the best program of its kind in North America. Represented on the

OMVAP board of directors are the Consumers' Association of Canada, Ontario branch, the Canadian Automobile Association, the Better Business Bureau and the Arbitrators' Institute of Canada, as well as the associations representing the 21 car companies voluntarily participating in the program.

1350

## RESPONSES

### ONTARIO MOTOR VEHICLE ARBITRATION PLAN

**Mr Farnan:** In response to the minister, I want to remind the minister that, as he is probably only too well aware, the two major purchases in any individual's lifetime are probably the purchase of a home and the purchase of cars.

Knowing that these are basic purchases for the majority of consumers, one would imagine a government that was responsible and on the ball would have consumer protection that was airtight to protect individuals when it comes to the major purchases of their lifetime. It is fine to get up from time to time with announcements, and we in this party always commend the government for any little progress we make in protecting the consumer. However, it would be nice if this government was to radically address consumer protection in the two areas that are most significant to home owners and to car purchasers.

I think we can look at the Ontario New Home Warranty Program and we can see there are glaring loopholes within this. We can look at the purchase of cars and we can see that up to now, and indeed even with this legislation, it is basically toothless. When we use words like "fairness," we can be fair and treat everybody very poorly. When we talk about being faster in response, we can give a quicker response, for example, with the auto insurance and give people less in their settlement.

This government can project an image or attempt to project an image of being concerned about the consumers of Ontario, but I put it to you, Mr Speaker—and I do this with a great deal of confidence because it is based on input that I receive from people who are buying new homes and people who are buying cars—people feel they are in a marketplace that is indeed making their position as consumers extraordinarily vulnerable.

I want to finish my remarks by saying this: Why is it that we have to inch our way towards consumer protection? I say to the minister: Why is it that he wants to produce consumer protection

by some form of striptease; a little bit now, a little bit later, a little bit later on? If this is indeed something this government believes in, then there should be a radical movement to give consumers the kinds of protection they deserve, because indeed they are investing the money of their lifetime, they are investing their life's work, in purchasing their cars and in purchasing their homes.

I want to suggest to the minister, because the minister is concerned and has experience with lobby groups, that maybe this government is responding in such a slow way and such a very inadequate way to consumers' concerns because of the pressure that is put on it by its big business friends who are not prepared to have real consumer protection in the marketplace. It is one thing to want to give the appearance of being a progressive government, but if a government wants to be truly progressive, I would suggest to the minister that he can indeed do this by introducing strong consumer protection, radical consumer protection that puts the rights of the purchaser first and foremost.

**Mr Runciman:** We welcome the changes indicated in the minister's announcement today. We believe this is not the end; as he has indicated, there is a further review two years hence. One of the concerns—and I am not sure it would fall under the Ontario Motor Vehicle Arbitration Plan—was the loss of hundreds of thousands of dollars by individuals who had Guardall warranties, as he will perhaps be familiar with. That was a loophole, a weakness, and perhaps OMVAP could consider providing that sort of protection in the future.

I found it interesting to note the minister making reference to the official launch in November 1986. Modest folks that they are in the Liberal government, I am sure the minister will feel free to stand up at some point today or perhaps in the near future and indicate that in 1986 this was in effect a relaunching, because as Minister of Consumer and Commercial Relations I had the good fortune of officially announcing this program in June 1985. This government, or the former Liberal government, if you will, made it a policy for its first six months in office of relaunching and reannouncing programs and policies brought in by the previous Progressive Conservative government.

Another one I can mention was the legalization of brewpubs, which the member for Wilson Heights (Mr Kwinter) formally announced at some point in 1985, months after I had officially announced the legalization of brewpubs and



more significant initiatives that were committed to and undertaken by the Progressive Conservative government. This Liberal government has tried to take credit for many of those.

We are pleased to see the congratulatory tone of this announcement today and the fact that the government is indeed saying this is an innovative program and all sorts of complimentary language is used. As I indicated, we welcome the announced changes and we are pleased to see that this Progressive Conservative initiative has met with resounding success and is serving the consumers of this province well.

## ORAL QUESTIONS

### TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** My question is to the Premier. His government will have received today a notice from Chief Gary Potts of the Teme-Augama Anishnabai band, which states as follows:

"By the natural authority vested in the Teme-Augama Anishnabai, you and your agents, workers and/or members are ordered to leave the townships of Shelburne, Delhi and Acadia immediately.

Permission must be obtained from the Teme-Augama Anishnabai to enter the said townships in the future."

This speaks to a major confrontation between the government and the band with respect to the future of construction of the road and of logging.

Can the Premier tell us what his response is to this notice of eviction from the band?

**Hon Mr Peterson:** I have not seen any notice of eviction, although I understand they sent that to the government, as well as to the Temagami Wilderness Society. I think my facts are correct in that regard.

Frankly, I do not know the legal ramifications of that. I do not know the basis in law for that eviction notice; I am not aware of any at the present time. Obviously I would take legal advice on that from the Attorney General (Mr Scott) when we have time to discuss it. I can tell my honourable friend I have no idea by what authority this eviction notice is sent.

**Mr B. Rae:** The Premier will understand that what lies at the basis of this—if the Premier is not aware of it, I am sure he will become aware of it—is a historic claim, a claim of ownership, a claim of stewardship, a claim of responsibility that stems from the fact that the Teme-Augama Anishnabai are, after all, among the first citizens of Canada and among the first citizens of this province. They feel they have never signed a treaty with the crown, they have never signed a

treaty either before Confederation or after Confederation, and they are outraged that the government would be continuing to build a road directly across land which they feel is theirs.

## 1400

**The Speaker:** The question?

**Mr B. Rae:** What does the Premier intend to do to avoid a confrontation which I believe will be of historic proportions unless the Premier is prepared to take some imaginative action?

**Hon Mr Peterson:** I am sure my honourable friend would say that the root principle operative here is respect for the law of this country. This matter has been litigated in the courts for the past 10 years or so. It has been subject to two judgements by the courts at this moment. Granted, there is an appeal to the Supreme Court of Canada, and I understand that. But as my honourable friend will know, they requested an injunction just last week.

We halted construction of the road to make sure that we complied with the spirit as well as the letter of the law. Everything that the government has done has complied exactly with the letter of the law; and surely my honourable friend, as a lawyer and as a member of this Legislature, will respect the fact that the respect for the rule of law has to be the paramount principle here. Obviously, the government will do so, and I expect the band would do so as well.

**Mr B. Rae:** If the Premier does not understand the sense of outrage and injustice that is brewing in this band—as it is in countless other groups across this country who feel they have been left out of the legal structures—that it has been left out with respect to its historic claim, and if he does not have the imagination to understand that, he is failing to appreciate what is in front of him and what is going to be staring him in the face in the weeks ahead unless he is prepared to take some imaginative action.

Why does the Premier not stop the construction of the road now and offer to negotiate directly with the band in question with respect to the future of the resources in the Temagami area?

**Hon Mr Peterson:** I say to my honourable friend, with the greatest respect, I think the principles from which he is enunciating this are not particularly sound. This government respects the law. An offer of a land claim has been made by the Attorney General to the band. There have been discussions. They turned that down. We are ready to return to the table any time they are to discuss the matter of a land claim.

I remind my honourable friend it is the first time in the history of this province that an offer of a land claim settlement has been made by the government. We approached that in good faith and intend to continue to leave the door open for any discussions they would like to have about this matter.

But my honourable friend cannot stand in this House and say, because of threats, that we should not respect the law. I would ask him, what is the logical extension of that? I understand, I think, the sensitivity of the band in this matter. We have tried to respect that, just as we try to respect all people's sensitivities in this province with respect to a whole, broad range of issues, but ultimately the courts are supreme in this matter; and I think my honourable friend would want to stand up and assert that principle as I would and as the leader of the third party would as well. We will all respect that.

We will continue to have an open door, to be co-operative and to try to work this matter out, but I think my honourable friend would not want to do anything irresponsible to inflame the situation or hold out false hopes, or to take the proposition that any person in this province can take the law into his own hands.

#### SALES TAX REBATE

**Mr B. Rae:** While we are speaking of taking the law in one's own hands, I would like to ask the Premier a question with respect to the matter of his government's relationship to the National Council of Jewish Women of Canada, Toronto section. I asked the Premier last week if he would tell me under what circumstances some \$800,000 of an overpayment was made to the council. I understand that the government is trying to collect \$350,000 under the Ministry of Citizenship; it is trying to collect \$200,000 from the Ministry of Community and Social Services, which was confirmed by the minister; and apparently it is also trying to collect a \$250,000 sales tax rebate which was apparently initially paid to the Tridel Corp.

Can the Premier tell us: Is this true? Is the government trying to collect the sales tax rebate and the other money that is involved?

**Hon Mr Peterson:** The Minister of Revenue (Mr Mancini) can give the member all the details of that.

**Hon Mr Mancini:** We want to make it very clear that the Ontario Ministry of Revenue is not trying to collect the \$250,00 sales tax which was remitted to the National Council of Jewish Women.

I may add, to the honourable Leader of the Opposition, that the rebate was remitted in a very normal way. It was moneys that, in fact, because of the fact it is a charitable organization which was undertaking charitable works, were due to it. They made the application and the funds were remitted to them in the very normal course of events.

**Mr B. Rae:** If this is the normal course of events, then perhaps the Minister of Revenue can answer this question: What does he do when it is discovered that the money which has been remitted under the law for a given charitable purpose is not in fact used for charitable purposes but is used as a political slush fund? Does he have any audit which allows him to determine that \$250,000 or a portion of that money has been wrongly used by the charity in question?

**Hon Mr Mancini:** Evidently the honourable member does not understand how or why a sales tax rebate is given. The honourable member should know that for this to occur, the organization in question must be federally chartered and it must have a worthy project. This project was for the disabled and for other people in our community who are disadvantaged, to provide a home for them with fully accessible features.

After their charter was granted by the government of Canada, they proposed this project for the disabled and others. After the building was completed, a field audit was made to ensure the building was in fact standing and to ensure that the receipts that were stated were in fact in the file, and they received this money. It is that simple.

**Mr B. Rae:** I am glad the minister clarified the record when he said that this was designed as a worthy project for the disabled and for others. We are only beginning to discover now exactly who all the others are, and many of them are sitting all around you, Mr Speaker.

What is the minister going to do now that it has been determined, and determined by the auditors responsible, that in fact portions of this money are not legitimate with respect to the expenditure? What is he going to do, as the Minister of Revenue, to ensure that the rebate is used for the purposes for which it was clearly intended? It was not intended as a slush fund, not intended for politicians, but intended to be used for the disabled.

**Hon Mr Mancini:** The honourable member does not want to realize that the sales tax rebate is in fact just that: a rebate on taxes paid which would have otherwise not have been paid because the organization is a charitable organiza-



tion. It paid the taxes in advance; under the regulations, it is due those taxes back. Whatever the National Council of Jewish Women wishes to do with that sales tax rebate is its business. The sales tax rebate would—

Interjections.

**Hon Mr Mancini:** The honourable members just do not want to listen. They do not understand at all how the sales tax rebate system works. They do not want to realize that many charitable organizations across this province do good works and they are all entitled to the rebate on sales taxes paid. Those are the facts.

1410

### CHRONIC CARE

**Mr Brandt:** My question is to the Premier, in his capacity as head of the Premier's Council on Health Strategy that has recommended to the minister against the construction of the 4,400 hospital beds that were promised back in 1986. I want to advise the Premier, and he probably is aware, that of the 4,400 beds some 3,000 of those beds were in the chronic care category. Of the 4,400 that were to be constructed and were promised by his government in 1986 and were to cost something in the order of \$850 million, I would also like to remind the Premier that the reports at the time, in 1986, indicated that there was going to be a 50-per-cent-plus increase in the number of elderly persons between now and the year 2000.

Is the Premier indicating to this House that the construction of those 3,000 chronic care beds is no longer a necessity in the province of Ontario?

**Hon Mr Peterson:** Not at all, Mr Speaker.

**The Speaker:** Supplementary?

**Mr Brandt:** Is the Premier saying that his position is that the construction of those beds is still needed? I would like to remind him that day after day in addressing this question to the Minister of Health (Mrs Caplan), she makes absolutely no commitment whatever following the announcement made by the previous minister, suggesting simply that there will be a shift to home care programs.

I would like to just suggest to the Premier that the home care portion of the Ministry of Health budget consists of about four per cent of all of the expenditures. There has not been an increase, if you will, in the commitment to home care programs such as the Victorian Order of Nurses or the Red Cross while at the selfsame time there has been no follow-through on the commitment his government made in 1986, and many

hospitals are in limbo with respect to their building plans.

**The Speaker:** Question.

**Mr Brandt:** When does the Premier plan to follow through on his previous announcement?

**Hon Mr Peterson:** I think the Minister of Health has explained the situation on many occasions to my honourable friend. I am very happy to share that same response with him on this matter.

My honourable friend is aware of the report of the Premier's health council with respect to capital expansion, and she is currently discussing the most appropriate kinds of services and capital that are necessary in the various areas. Those discussions are ongoing because we are determined to make sure that we have the best health care system possible, and that is not necessarily just related to the number of hospital beds. Obviously, that does not rule out hospital beds by any stretch of the imagination, but it is a combination of the appropriate number of hospital beds and the appropriate community-based services.

**Mr Brandt:** A recent survey of the Perley Hospital in Ottawa, which is one of our finest chronic care facilities, indicated that 96.5 per cent of the residents in that particular hospital could not move without a wheelchair; 94.5 per cent of the residents could not move at all without assistance; 92 per cent require assistance with feeding at all of their meals; 84 per cent are incontinent; 64.5 per cent are either confused or in a comatose state. Those kinds of statistics for Perley Hospital in Ottawa are very similar to the general population for chronic care patients.

I would suggest to the Premier that there is crying need in this province to get on with the construction of the 3,000 hospital beds that he promised in his overall projections in 1986 when he promised \$850 million in capital and 4,400 total beds. He has left the hospitals—

**The Speaker:** Is that your question?

**Mr Brandt:** —of this province in confusion with his lack of response to any kind of a commitment.

**The Speaker:** Thank you, Premier?

**Hon Mr Peterson:** My honourable friend is not happy, obviously, with the answers that the Minister of Health has given him or that I have given him and he can continue to ask the same question on a daily basis, but we are determined that we have a system that is responsive to all needs. Obviously, some people need institutional care. Other people do not, would rather be in

their homes and rather be living independently. My honourable friend understands that it is a combination of those things that builds the best kind of health care system possible.

My honourable friend has a fixation on the number of beds; and that has nothing to do, necessarily, with the quality of health care, but it is a question of the quality of the programs and the responses to individual needs. That is where the minister is coming from. My honourable friend lives in the past. He is entitled to do that because at some times in his past he had some glories. He does not at the moment.

#### COMMERCIAL CONCENTRATION LEVY

**Mr Cousens:** I have a question for the Minister of Revenue. People in the greater Toronto area are becoming increasingly incensed at what is going to happen to them because of Bill 46, which is the latest tax grab of this government, better known as the commercial concentration levy. It is a double form of taxation where the province is now taxing another level of government and it is going to cost Metro Toronto \$10 million a year. This is the first time that the provincial government has directly levied a tax on the property of a lower tier of government.

Will the minister tell this House how much this levy will cost the municipalities in the greater Toronto area? In other words, how much tax is he going to collect from all the municipalities, other than Metro, because of the commercial concentration?

**Hon Mr Mancini:** If memory serves me correctly, I believe the Treasurer (Mr R. F. Nixon) has said that he was targeting in the neighbourhood of \$130 million from the commercial concentration tax, a tax which will be used to strengthen the infrastructure of the greater Toronto region.

**Mr Cousens:** The minister did not answer the question.

Last week the member for Mississauga South (Mrs Marland) and I visited Peel council for the transportation discussions we are having, and they are furious at the fact that their level of government is going to be taxed by the government of Ontario on the provision of services to that municipality. One of the most outrageous aspects of this tax is that the minister will be taxing parking lots that are in some cases provincially owned. The Toronto Transit Commission is an example. Their parking lots will face an increase for each person who is using them of at least \$1.25 for commuters in the greater Toronto area. How can the minister

justify that this bill will be used to promote transportation initiatives in the greater Toronto area when he is actually discouraging commuters from using public transit?

**Hon Mr Mancini:** Just so the honourable member is aware of the work that is going on, improvements for highways 401, 407, 427, the Queen Elizabeth Way, Highways 400, 35 and 115 will directly benefit from the commercial concentration tax. All of this work is being done to ensure that the greater Toronto region can continue to grow and prosper.

**Mr Cousens:** I think the minister should pick up another piece of paper and read it, because it would be as meaningless as the one he just read. We are asking the minister to promote commuter services in the Toronto area, and yet he is taxing them. I would like to ask—

**Mr Callahan:** Cancel 407. Markham doesn't need it.

**The Speaker:** Final supplementary.

**Mr Cousens:** The town of Whitby has proposed to offer free parking as a way of escaping this tax grab. Whitby will have to shell out \$165,000 per year in tax for its municipal parking lots, and yet these parking lots generate \$118,000 per year, some \$47,000 less. The burden is falling more and more on the municipalities in the province of Ontario because the minister's government is not playing the game. It is passing the buck down to the municipalities to make things happen.

Interjections.

**Mr Cousens:** Maybe the Minister of Revenue can hear this over the rabble. What will the Minister of Revenue do if all the municipalities in the greater Toronto area make their parking free, as Whitby might do? Is he prepared at long last to admit the absurdity of this bill?

**Hon Mr Mancini:** The piece of legislation, for which we have just finished second reading, Bill 46, is a piece of legislation which will help strengthen the transportation system of the greater Toronto region. The infrastructure in this region needs to be improved because of the fast pace of growth that we have experienced over the last eight or 10 years. We do not want to sit idly by while our infrastructure is not able to meet the needs and demands of this region. We intend to improve the infrastructure, and the commercial concentration levy will help us do that.

1420

#### STELCO ANNOUNCEMENT

**Mr Mackenzie:** I have a question of the Minister of Labour, and I thought we might have



had an announcement from him today. Can the Minister of Labour tell this House what role his ministry had, or if it had any role, in the major announcement made by Stelco this morning that will result in the closure of three Stelco plants—Swansea, Burlington and Brantford—employing some 600 workers, and the possible construction of a new plant in Brantford employing about 500 workers?

**Hon Mr Phillips:** Of course I had no role in that. The Stelco organization, as I understand it, is looking at the possibility of closing two plants and one distribution centre, and the possibility of opening a new plant that would combine those two operations. But I think it is just a possibility, and I am aware of it.

**Mr Mackenzie:** It sort of surprises me. Can the minister tell this House if he is aware of specific contractual demands made by Stelco to its workers as a condition for keeping their jobs or proceeding with this project, such as an early contract or wage freezes for a period of the contract, or other concessions in their contracts? Does he believe this is the way to deal with workers in the province of Ontario, with a fait accompli when they are going to make this kind of a move?

**Hon Mr Phillips:** I think actually the member opposite knows more about it than I do. I think what I understand from Stelco is that they are looking at the possibility of closing two plants and a distribution centre and opening a new plant that would combine those operations.

I think we have to be extremely cautious as we look at the future of our industrial structure that if, in fact, we are looking at substantial changes in our industrial infrastructure, we treat the workers fairly. I would hope that Stelco will continue its practice of treating the workers fairly in a circumstance like this.

I would hope that all parties would look at the possibility of opening a new plant which I understand may be state-of-the-art, a new plant that I understand may represent a substantial opportunity for jobs in the future; but I would count on Stelco and the union working co-operatively to see if that is a venture that the two of them can work out.

I do agree with the member opposite that it must be dealt with sensitively, and in terms of understanding the specifics of the issue. I have been informed that management and the union will be talking about that possibility. Beyond that, I have no further information until they make it a matter of public record, which I gather they are doing today if the member is correct.

## ALTERNATIVE FUELS

**Mrs Marland:** My question is for the Premier. Yesterday the city of Toronto released a report saying that there must be a broad attack against pollution from cars in the city. There is a way that the Premier can help Toronto and other urban areas with high pollution levels from car exhaust and that is by legislating the use of alcohol fuels in our cars. He knows this would reduce carbon monoxide and carbon dioxide levels in our atmosphere and would reduce the greenhouse effect.

Will the Premier legislate a certain percentage of alcohol content in our fuels to reduce the pollution and smog in urban areas?

**Hon Mr Peterson:** Let me tell my honourable friend I am not familiar with this particular report from the Toronto city council, but obviously if they have a serious idea for us, we will take it under advisement and I will discuss it with my colleagues.

**Mrs Marland:** Unfortunately the Liberal government is actually moving backwards in the war against pollution from car exhaust.

**Mr Ferraro:** Let's talk about Via.

**Mrs Marland:** Last February the Minister of Consumer and Commercial Relations passed an amendment—

Interjections.

**The Speaker:** Order. Supplementary.

**Mrs Marland:** You know, I would think that the government members would extend the courtesy to their own Premier so he could hear the question.

Interjections.

**The Speaker:** Order. Order. Order. I recognize the member to place a supplementary. Please place it.

**Mrs Marland:** Last February the Minister of Consumer and Commercial Relations passed an amendment to the regulations under the Gasoline Handling Act that limits the amount of alcohol content in gas to not more than 0.5 per cent. At the same time, other places were requiring a minimum oxygen content in gasoline of two per cent or more. The facts are in. In Denver last year, carbon monoxide emissions were reduced by 12 per cent because of the use of alcohol gasoline.

Will the Premier undertake to repeal regulation 67/89 and will he table another regulation that does set a minimum alcohol content in gasoline that will help clean the air in Ontario?

**Hon Mr Peterson:** I just wish my honourable friend would not be so harsh on my colleagues. They were extending me every courtesy by assisting me in not hearing the question.

To my honourable friend, let me say that I would remind her that it is our Minister of the Environment (Mr Bradley) who has shown the national leadership with the question of car emissions, who has finally persuaded all of his colleagues in the federal government to come out in favour of the California standards.

Again, this province is showing the leadership not only here but nationally and I think my honourable friend, because she is a charitable soul by disposition, would want to stand up and recognize that. I can tell my honourable friend that any other serious ideas that are coming forward we will seriously consider.

**Mr Pouliot:** Do we finally have a market for Ontario wine?

**Some hon members:** Oooh.

**The Speaker:** I know it is Hallowe'en; I heard a lot of ooohing there.

#### SENIOR CITIZENS

**Mr Cleary:** My question is to the Minister without Portfolio responsible for senior citizens' affairs. In response to a question in the House on 10 October, he spoke about the stereotypes of ageing that seniors find offensive. Considering that seniors are a very diverse group with varied needs, how is the minister's office working to promote better awareness of the whole range of seniors' experiences?

**Hon Mr Morin:** My ministry is actively involved in trying to make the public sensitive to seniors' needs. We have an educational resource centre with a variety of workshops, for instance, helping advertising agencies to change the way they depict seniors in commercials.

We also train retail personnel to better serve seniors by making them experience the difficulties and the challenges the seniors have to face. We also have programs that are aimed at improving attitudes among school children, health care professionals and others. When I look around this House, I know that some day all of these services will be useful to all of us.

I just want to convey that there is a tremendous potential that exists among senior citizens and we have yet to learn to tap it.

**Mr Cleary:** These sound like very positive and encouraging initiatives but do we have any indication of how effective they really are?

**Mr B. Rae:** Does the same person write the question as writes the answer?

Interjections.

**The Speaker:** I might need the answer before any of you.

**Hon Mr Morin:** I find this a tremendous experience for me to deal with the opposition but I note that I have a very happy message to communicate.

I am very proud to say that the government of New Zealand has recently invited three members of my ministry staff to go and inform them and help them to establish a system similar to the one we have here in Ontario. This, to me, is quite flattering for our province.

I want to make sure, also, that our office is committed to changing the attitudes of the public, but this is not done overnight. There is an awful lot of work to be done and I expect that I will have the co-operation of all my fellow colleagues to communicate this important message.

#### 1430

#### DARLINGTON NUCLEAR GENERATING STATION

**Mr Charlton:** I have a question for the Minister of Energy. The minister will be aware that Ontario Hydro has had at the Darlington site, over the course of the last month, three what Hydro would describe as incidents, what some would describe as serious accidents and what I would describe, at the very least, as serious mistakes that were avoidable.

Yesterday we had indications from an official of the Atomic Energy Control Board that Hydro may again be turned down for its licensing of the first reactor at Darlington. Has the minister sought a report from Hydro on precisely what is going on at that site and what the cause of these ongoing problems is?

**Hon Mrs McLeod:** Yes, I can assure the honourable member that Ontario Hydro, whenever there is an incident, whether it seems to be of significance or not, takes considerable pains to ensure that we are fully familiar with the incident and any implications.

I would also assure the honourable member that I have every confidence in the Atomic Energy Control Board in its monitoring and regulating role and that it will look at the application for licence in terms of its being fully satisfied that all safety requirements are met.

**Mr Charlton:** I must say that I am very disappointed in the minister's response. Surely



the minister understands what is going on at the Darlington site. For a year now, Hydro has been attempting desperately to get the tritium recovery plant in operation, unsuccessfully to date. They have also been having licensing difficulties in terms of the first reactor of the nuclear power station. Hydro is in a hurry-up mode and the pressure it is putting on staff is causing mistakes.

Will the minister tell Hydro to slow down, take a deep breath and get on with doing the job properly? The next incident may be the major accident that we will all regret.

**Hon Mrs McLeod:** I guess it is with some surprise, I would think, that Ontario Hydro would be accused of haste in bringing the Darlington project on stream. I think there has been considerable concern expressed about significant delays and the cost implication of those delays.

Quite clearly, one of the reasons why that project has taken a longer time to come into operation than might have been expected is a concern for the most up-to-date and complete safety requirements being met. That is the role of the AECB: to monitor and regulate. We are assured that there will be no licensing of the facility until they are fully satisfied about those safety requirements.

### CHRONIC CARE

**Mr Brandt:** I have a question to the Premier. The Premier will be aware that back in 1985 there was in fact an approval given for the St Catharines General Hospital chronic care ward to have renovations undertaken on the 71 beds that are contained in that particular area of the hospital. I would like to impress very directly on the Premier the importance of this project in view of the fact that the condition of that particular ward in that hospital is absolutely deplorable and unacceptable.

The Premier has said that he wants to have the best health care possible for the residents of Ontario. What does his government plan to do about the renovation project that he promised for that hospital?

**Hon Mr Peterson:** I wish I could tell my honourable friend the status of that particular project. Frankly I do not know. I wish the member would ask the Minister of the Environment (Mr Bradley), who takes that matter very, very seriously. That is his constituency and I can tell the member that he has been showing remarkable leadership on that issue. He has taken all those concerns to the Minister of Health (Mrs

Caplan), and I think the member will see a successful resolution.

**Mr Brandt:** Let me just point out to the Premier that in addition to the headline which says, "Chronic Wards in Terrible Shape," which I am sure the Minister of the Environment was aware of, these are some of the conditions I would like to share with the Premier.

There is one bathtub in that facility for every 35 patients. There should be one, according to ministry guidelines, for every 10. Sanitary facilities are far below what is acceptable. Ministry guidelines are one for four patients; there is one for every 23 patients there. In the winter, it is so cold that the nurses have to wear legwarmers. Snow is blowing in through the windows in the wintertime. In the summertime, it is far too hot because of a lack of ventilation. Some medical equipment cannot even be utilized for patients who require it because it blows fuses. We are talking about the basic dignity of patients in that facility.

**The Speaker:** Question?

**Mr Brandt:** In the Premier's Ontario, is he prepared to stand by and watch patients reside and be cared for in a facility in this kind of deplorable condition?

**Hon Mr Peterson:** I can tell my honourable friend I am not aware of that situation. The minister from that area tells me there is a meeting going on on 7 November with the ministry and the hospital, and I can tell my honourable friend that if there is a problem we can solve, we will attempt to do so.

### COURT SYSTEM

**Mr Owen:** I have a question for the Attorney General. There has been considerable concern in Barrie with the backlog in the provincial assignment courts. It has meant that they are concerned that many of the cases that are supposed to be dealt with cannot be dealt with in a time looked upon as reasonable by the judges. The present number of judges is finding it almost impossible to carry on. The last assignment court involved many hundreds of people in the halls, out in the parking lot, and it lasted from early morning until late at night.

In late August, the minister announced that Barrie would be granted an additional two judges and three crown attorneys to try to address this problem. I wonder if the minister could tell us where we are in the process of placing or appointing these particular judges and crown attorneys to assist the situation.

**Hon Mr Scott:** I would just like to thank the honourable member for the question.

As the honourable member knows, Barrie was one of the six districts in which a delay reduction committee was constituted over a year ago. These committees are an effort through co-operative management involving bench, crown attorneys, defence bar and administrators. It is hoped that delays can be reduced to a minimum.

Regrettably, for some local reasons, the Barrie committee has not been able to produce the effective results that have been achieved in Ottawa and some other areas. The Barrie committee did, however, submit to the government a plan for delay reduction in the late spring, I think in late June, and we responded to it, as the honourable member said, in August by indicating that two new judges would be appointed in Barrie and four new crown attorneys would be appointed to the staff there in order to help the delay reduction committee manage the issue in the community.

**Mr Owen:** There have been suggestions made that if and when the new judges are appointed, there are some judges who are presently there who would be retiring very shortly and the concern has been expressed that the new judges would simply be in place for the ones who are leaving. Does the minister have any idea of what the forecasts are for the future, what the needs or demands might be, whether these worries are well founded or not?

**Hon Mr Scott:** I should begin by saying that the two judges' appointments have been announced, but the judicial advisory appointment committee has advertised the vacancies and it will be a number of months before they are in place, under the process that Professor Russell and his committee have established. There is also, consistent with the public service rules, a hiring process for crown attorneys which will be slightly shorter.

These extra resources are provided to a community because it has developed a plan, which indicates that it is prepared to work co-operatively. That is to say, judges, crown attorneys, administrators and local bar, perhaps with the police and legal aid as well, will work to resolve the problems.

I am not aware of the rumours that the honourable member refers to or the fears that he expresses. I can simply tell him that I know nothing of them and cannot believe that they represent the case.

#### AFFORDABLE HOUSING

**Mr D. S. Cooke:** I have a question to the Minister of Housing. The minister will be aware

that tomorrow is the deadline for municipalities in the province to submit to him their plans to provide 25 per cent of their new housing units to be affordable to the people of this province.

CMHC is projecting that 80,000 housing units will be built in Ontario next year. At the same time, the minister only has or will have 11,000 units to be allocated under his nonprofit housing program next year. How is he going to ensure that municipalities are going to be able to meet this 25 per cent quota when he is only going to provide 11,000 nonprofit housing units next year?

**Hon Mr Sweeney:** The 25 per cent that the honourable member speaks about does not refer solely to nonprofit or co-op units which this ministry, either independently or in co-operation with the federal government, is making available. It speaks to all construction which is going to take place in Ontario. That is ownership homes and rental units.

One of the tasks that the municipalities have effective tomorrow—at least some of them have effective tomorrow—is to give us their plan as to how, in their municipalities, they are going to achieve that target. We have received several of those already, and I must share with my honourable friend that we are very encouraged by the proposals that are coming before us.

#### 1440

**Mr D. S. Cooke:** The minister knows that affordable home ownership is not an option in Metropolitan Toronto and a great number of other major municipalities across this province, so he is dreaming if he thinks that home ownership is going to be one of the avenues of providing affordable housing in this province.

Why will the minister not announce that there is going to be a "housing next" program to follow his 23,000-unit allocation of this year so that this 25 per cent can be achieved and people can live in dignity and in decent, affordable housing in this province? Does he not realize that is essential if this program is to work?

**Hon Mr Sweeney:** I have to disagree with the premise upon which my honourable colleague makes his observation. I am not convinced that in the majority of municipalities in this province the option of affordable ownership is not a realistic goal.

There is no doubt about it that in the Metro Toronto area it is much more difficult. However, I had the opportunity at noon today to meet with and to speak to the Toronto Home Builders Association. They told me in very clear language that if my ministry and other ministries of this



government were able to assist them with respect to making land available, with respect to streamlining the approvals process, with respect to putting more provincial land on the market, then in fact even in this area it is possible to have affordable ownership as part of the component.

My honourable friend is completely correct that there are some groups that will continue to rely upon affordable rental as the most appropriate form of shelter for them. What we want is both options available. Wherever it makes most sense, wherever we can meet the need, we will try to adjust the balance between those two components.

### WASTE DISPOSAL

**Mr Pollock:** I have a question for the Minister of the Environment. Did he or any member of his staff lead the owner of the Marmora iron ore mine property to believe that the open pit mine would be a safe place to dump Metropolitan Toronto garbage?

**Hon Mr Bradley:** I did not discuss this with anybody. I presume that they would be talking about some long-term solution involving the greater Toronto area or something like that and certainly they would not be approaching me about that. They would have to have it appropriately assessed to determine that. I do not think anybody can determine that until such time as it has gone through a process.

There is an assessment of the site which carefully takes into consideration all of the scientific and technical data which are produced, which involves a hydrogeological study of the area, which involves the social implications. There are a variety of implications they look at.

Anybody can propose any site they wish, I suppose, anywhere in Ontario, but it has to be assessed appropriately and if it is not acceptable, it will not be accepted.

**Mr Pollock:** I would wonder why the owner has asked the local township to change its zoning bylaws to accept Metro's garbage without getting some sort of indication from the Ministry of Environment. The minister did not answer whether any of his staff actually talked to the owner.

**Hon Mr Bradley:** I am not aware whether or not any staff have talked to an owner or a municipality, but I can tell the member that almost on a daily basis municipalities are approaching Metropolitan Toronto, the GTA or the Ministry of the Environment to talk about the potential for sites for landfilling purposes. What they all have to understand is that they have to go

through the process. There has to be an environmental assessment. I think this is what the people in his area would want to know.

There would have to be an environmental assessment conducted of that site. They would have to look at all of the potential implications. I presume that it is a long-term solution they are looking for. If it is, as we have indicated, the long-term solutions that the GTA is looking to would go through the Environmental Assessment Act. But regardless of what particular act it goes through, any site must be environmentally acceptable before it is approved.

I know it takes a long time. I have heard the leader of the member's party—

**The Speaker:** Order. I know it does take a long time.

### PROTECTION OF ANIMALS

**Mr D. R. Cooke:** My question is for the Solicitor General. Puppy mills are large corporate establishments breeding many animals for sale without concern for the wellbeing, health or comfort of the animals and without concern for perpetrating genetic faults. Such slipshod breeding practices as overbreeding weaken the purebred status of some breeds and result in inferior animals. Dogs are emerging from these farms filthy, starving and, in some cases, disease-ridden and petrified.

I would like to know what the minister is planning on doing to monitor more effectively the activity of these businesses and to improve the circumstances of animals in these establishments.

**Hon Mr Offer:** First, let me acknowledge the great interest of the honourable member in this area and echo my commitment and sharing with him in our making certain that animals are properly protected from cruel treatment and abuse.

The Ministry of the Solicitor General is the lead ministry in an interministerial review which is designed to address a number of issues, such as zoos, pet shops, animal displays, circuses, breeding and boarding. I think some of the concerns that the honourable member has raised today will surround the issues of breeding and boarding, which this interministerial committee is dealing with at this point in time.

I would like to indicate that I am advised that the committee is currently developing and evaluating options to address these issues which it has identified. I expect it to report to me in the very near while.

**Mr D. R. Cooke:** The present law inhibits humane societies from obtaining search warrants to raid some of these puppy mills. I am wondering if the plans that the committee is working on include plans to expand the role of the enforcement abilities of humane societies and humane society officers to prevent such abuse from continuing in the future.

**Hon Mr Offer:** Prior to the committee's report to me it might be somewhat premature, but I think it is fair to say that certainly one of the issues which the committee will be grappling with is that which the member has addressed. That will be a proposal determining the development of standards which can then be used by local humane societies and others when they inspect such places of breeding and boarding. I am currently awaiting that report by the committee. It has an important role in meeting our commitment to ensuring that there is no abuse or cruel treatment of animals.

#### COURT SYSTEM

**Mr Wildman:** I have a question to the Attorney General. Recently the government announced an initiative to ensure that civil cases could be heard in French. In view of the fact that the Attorney General stated in a letter to me dated 5 May 1988 that he intended to appoint a bilingual judge for the district of Algoma to ensure that criminal cases could be heard in French, and despite staff statements in September 1988 that the ministry was in the final selection process but still no judge has been appointed more than a year later, how can the Attorney General assure this House that this new commitment to bilingual courts in the province is not just one more example of hollow rhetoric?

**Hon Mr Scott:** Though I have to disavow the last part of the question, I cannot give the honourable member the assurance he wants. The fact of the matter is that we believe that of the two judges in the district, one should have a bilingual capacity. That judge will serve outside the city of Sault Ste Marie for the most part. Applications simply have not produced a judge who has that capacity.

The honourable member will remember that an applicant has to be approved by the Judicial Appointments Advisory Committee and by the Ontario Judicial Council, which is composed of the five chief judges of the province, and although some names have gone forward, we have not been able to report as yet that a candidate is at hand who meets the requirements

my honourable friend and I both desire to achieve.

#### 1450

**Mr Wildman:** Since His Honour Judge Boyd retired in July 1988 after a long illness and that vacancy still has not been filled, there are only two judges, Judge Greco and Judge Cohen, and Judge Cohen is ill, to carry out the duties in the criminal courts. As a result, criminal prosecutions have been halted on occasion.

Because the clogged court system has caused unacceptable delays and accused persons have done free without trial, can the Attorney General give us some indication when, instead of having one judge to do all the work in Algoma district and Sault Ste Marie, we will have the full complement of three judges to carry out the very important work of the criminal courts system in our area.

**Hon Mr Scott:** First of all, I am not aware of any cases where people have gone free without trial. If the honourable member would like to give me details of that, I would be delighted to examine it.

There is a vacancy in Sault Ste Marie, as the honourable member has indicated. I am anxious and I think it is generally speaking appropriate that in the criminal court it should be filled by someone who has a bilingual capacity. We have not had an applicant who has been able to pass through the various processes at the judicial council level. I am prepared to consider the appointment of a unilingual anglophone in the district, but I hope, and I think the honourable member would agree, that we would give the matter just one more try.

#### TOURISM

**Mr McLean:** I have a question of the Minister of Tourism and Recreation. The chairman of Tourism Ontario has said that his cost sensitivity study will be one of the first to bear the brunt of an economic downturn that experts believe has already started and the tax bites contained in his government's budget are expected to hasten this process. Can the minister of tourism explain the steps he plans to take to counteract the damaging effects his government's budget will have on Ontario's tourism and hospitality industry?

**Hon Mr Black:** I can tell the member for Simcoe East that the concerns he raises about the downturn in economic conditions are valid ones. We are as concerned about them as he is. We are meeting with representatives of the tourism industry to discuss those and to look for possible ways we can attempt to alleviate the problem. I



should tell him also that we are looking increasingly at new dimensions of marketing, trying to make our marketing programs more effective in partnership with the other tourism operators in Ontario.

**Mr McLean:** The minister said he is looking at it. I am curious to know if he will be co-operating with Tourism Ontario and receiving input from this organization to help him with some of the problems he has, because we are all aware of the increased taxes, the increased gasoline tax, all the increased taxes this government has put on. It is a concern to those people in the industry and I wonder how the minister is going to counteract these increases.

**Hon Mr Black:** We are looking at working co-operatively with the other players in the tourism industry, but I want to say to the member for Simcoe East that if he is genuinely concerned about the rising costs of tourism and if he wants to be part of the solution, I would urge him to correspond with his federal counterparts and talk to them about the impact of the goods and services tax. I want to tell him that my communications with the tourism people across this province would indicate that they are much more concerned about the impact of the GST than they are about any other single factor.

I want to urge him, if he is really interested in helping the tourist operators, to call his federal cousins, to get on the telephone or to lead a march, if he likes, against Ottawa to try to assist the tourism operators to deal with this problem that is on the horizon.

#### TELEMARKETING

**Mr Callahan:** I have a question for the Minister of Culture and Communications. Some time ago, I raised in the House the issue of computer telephone calls, how they fail to disconnect when the recipient hangs up and the impact this could have on 911 calls or even calls by seniors or people wishing to use the telephone. Subsequent to that, I have discovered that when Bell Canada gives its computer information numbers, you cannot cut it off either and it is displayed twice, which again interferes with the opportunity for someone needing the telephone for an emergency use.

I ask the minister whether she is aware of that and whether she will look into that matter, as it could be of significant concern to people requiring the use of that telephone.

**Hon Ms Hart:** I would like to thank the member for Brampton South for getting rid of my

anxiety, sitting on the edge of my seat and not being asked a question.

I can say to the member that as he will appreciate, the CRTC, the Canadian Radio-television and Telecommunications Commission, is the regulator of Bell Canada and as such is the body that sets the rules about how the phone lines can be used, but that is not the end of the story. In my capacity as minister of communications, one of the tasks my ministry takes very seriously is the advocacy role we perform before the CRTC in just such matters as these.

I can say to the member that I was not aware, frankly, that Bell Canada, when it is giving a telephone number, ties up the line and it cannot be used for anything else. Certainly, I can assure the member that I will look into it. I share his concern that there would be times when it is necessary to use the line for a 911 call, for example, and I will be happy to get back to the member at the earliest opportunity.

**Mr Callahan:** Recognizing that it may be a matter that can only be dealt with by way of intervention at CRTC hearings, the minister obviously has meeting with her counterparts from the various provinces and also the federal government and it would be interesting to find out whether this is a problem that exists throughout Canada. Perhaps she would be good enough, at the first opportunity for a meeting with her federal and provincial counterparts, to raise that issue with them.

**Hon Ms Hart:** The member may know that the federal and provincial communications ministers are planning to meet in the very near future. This is the type of issue that will be on the agenda, although there are many others, of course. Apart from that, though, the province of Ontario through the Ministry of Culture and Communications files briefs before the CRTC on a regular basis and has counsel appear to speak to those briefs, to make sure that the interests of Ontario consumers are heard and understood by that body. It is my understanding that the CRTC has indicated that briefs from Ontario are well received and given weight.

#### 1500

#### PETITIONS

##### CHOICE OF HEALTH CARE

**Mrs Cunningham:** I have a petition from the Association of Concerned Citizens for Preventive Medicine. There are 20 signatures from the London and Guelph regions. It is addressed to the Honourable the Lieutenant Governor and the

Legislature Assembly of Ontario. The petition is from individuals who are concerned that this government will enact laws that will inhibit their rights and freedoms to individually choose the type and manner of their health care services.

I have added my signature to this petition.

#### NATUROPATHY

**Mr Henderson:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

It is signed by a number of my constituents and by me, and I have a second petition.

#### GOVERNMENT SPENDING

**Mr Henderson:** "To the Lieutenant Governor and the Legislative Assembly:

"Whereas we, the undersigned residents of Barclay Terrace, believe that all levels of authority responsible for the levying of taxes must that realize it is time to call a halt to these major and unreasonable tax increases, particularly as a large source of tax dollars is one and the same, namely, the ordinary taxpayer,

"We beg leave to petition the Parliament of Ontario to urge that the government freeze the addition of staff and ensure that all vacancies are filled in order of strict priority and only if a defined and justified level of service be maintained. If an essential service or an enrichment of a particular service is required, then an offsetting reduction in personnel services and facilities must be found. Furthermore, capital expenditures must be reviewed and approved only if absolutely essential. No program should be commenced without the impact on future years' requirements being properly assessed."

This petition has been signed by nearly 500 of my constituents and by me.

#### SCHOOL OPENING AND CLOSING EXERCISES

**Mr South:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the greatest majority of taxpayers in Ontario counties and municipalities have their roots as Christians;

"And whereas we believe the amendment to regulation 262 relating to the collective recitation of the Lord's Prayer in opening or closing exercises in the public school deprives many Ontario citizens of an established freedom;

"And whereas the Parliament of Ontario has given the municipalities the right to decide on Sunday openings;

"We therefore pray that a new regulation would be passed that would give the freedom of choice to the individual Ontario county school boards to establish their own program, which would more accurately reflect the religious beliefs of a community and which would include the Lord's Prayer or Christian prayers instead of multicultural prayers, thus recognizing our religious freedom denied by the compulsory use of multicultural prayers."

This petition has been signed by 81 people in my constituency.

**The Speaker:** This might be the appropriate time to advise all members that we do have new standing orders on petitions. You may present a summary. It is not necessary to read the whole petition.

**Mr Philip:** Liberals always occupy the time of the House.

**The Speaker:** The member for Etobicoke-Rexdale, I thank you for your advice.

#### INTRODUCTION OF BILLS

##### CITY OF ETOBICOKE ACT, 1989

Mr Henderson moved first reading of Bill Pr50, An Act respecting the City of Etobicoke.

Motion agreed to.

##### LAKE OF THE WOODS DISTRICT HOSPITAL ACT, 1989

Mr Michlash moved first reading of Bill Pr47, An Act respecting Lake of the Woods District Hospital.

Motion agreed to.

##### CITY OF OTTAWA ACT, 1989

Mr Chiarelli moved first reading of Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation.

Motion agreed to.



## ORDERS OF THE DAY

House in committee of the whole.

### COURTS OF JUSTICE AMENDMENT ACT, 1989 (continued)

Consideration of Bill 2, an Act to amend the Courts of Justice Act, 1984.

#### Section 2:

**The Chair:** The member for Welland-Thorold (Mr Kormos) was the last one to speak and close shop on the committee work yesterday afternoon. Does the member wish to continue?

**Mr Kormos:** Perhaps I should very briefly remind the House, as indicated yesterday, that what we were talking about was the Young Offenders Act and how it is that the government thinks family court judges are better equipped to deal with the Young Offenders Act in that legislation as compared to judges with expertise in criminal litigation and in criminal sentencing, and also how it is that the the member for Yorkview (Mr Polsinelli), parliamentary assistant to the Attorney General (Mr Scott), can dare to suggest that the only problem with YOA here in Ontario rears its head when we look at the legislation itself coming out of the federal government, when we know that some of the real problems here in the province are that the province has not adequately responded to the obligations imposed on it by the YOA to provide facilities and programs.

We know that all over Ontario judges' hands are tied when it comes to sentencing young offenders because there simply are not open custody facilities available for young offenders. That means these kids are put back out on the street. It also is common knowledge that there is a real absence of programs and programming, again because of underfunding of the facilities and because of understaffing of those facilities. Young offender facilities are in no different position than adult correctional institutes were last week, the month before or the year before.

The other real question one has to ask, and I am hoping there is an answer, is why was there no consultation? When the Advocates' Society, the Canadian Bar Association—Ontario, the Criminal Lawyers Association, district court judges and others asked for but a few more weeks to prepare their responses to the bills, and especially when a whole bunch of amendments were foisted on them at the last minute, why did the government not give them but a few more weeks so that they could prepare their responses

to this legislation and help the government along in its process?

Why did the government shrug them off, dismiss them as a mere bunch of dummies? That is what the message was in committee: "You guys do not know what you are talking about. Go away. Go as far away as possible. Make sure we do not hear from you again. We are not interested in what you people have to say." To the Advocates' Society, the Canadian Bar Association, district court judges, the Criminal Lawyers Association: "Go away. We do not want to hear from you. You are a bunch of dummies. We do not care what you have to say."

That is what was said to them. I know it is an unpleasant sort of prospect, but that is what was said. I am hoping somebody today will answer those questions for me because they certainly caused me a whole lot of real concern.

#### 1510

**Mr Sterling:** For those people who may be watching the debate, I would like to explain that the amendment that is before the committee of the whole House here in the Legislature is an amendment I read into the record yesterday. It is a motion to put into Bill 2, which changes our court system here in Ontario, essentially what we have in place in this province, and that in the city of Hamilton.

Because of our constitutional structure, the federal government has powers over some matters which are normally considered family court matters. They have the powers over divorce. They have the powers to appoint superior court judges who deal with many of the property matters that are dealt with in a divorce court or family court setting.

Some 10 years ago, the former government set up a pilot project in the city of Hamilton in conjunction with the then federal government, where the judges were appointed not only by the provincial government to hear matters under the jurisdiction as given by the Constitution to the provincial Legislature, but the judges were also appointed by the federal government to deal with matters which fall under the federal jurisdiction of our Constitution.

The specific matters which they were asked to deal with were listed and outlined in a number of pieces of legislation, some 10 in number, which I read to the Legislature yesterday. Incidentally, I should have added one more piece of legislation: if there was some indication by the parliamentary assistant that he was going to have a change of heart and accept this amendment, I would add that particular act as well. I believe it is the

Partition Act, as I was informed by Mr Perkins of the Ministry of the Attorney General, to make the amendment in line with what is happening in the city of Hamilton.

Basically, the position of the Canadian Bar Association and the other groups who deal on a day-to-day basis with family court is that discussion over some parts of the merger of our courts has not gone on long enough. In other words, there has not been enough input to take it to the second stage of court reform which the Attorney General announced around 1 May 1989.

There has been considerable and lengthy discussions about the Unified Family Court, and therefore it is the position of the Canadian Bar Association and it is the position of our party that there no longer has to be any further talk on this matter and that we are quite aware of the ramifications of lifting the Unified Family Court to the superior court level. That would put all of the family court judges, provincial judges as they are now known—it would lift them into the position of being part of the general court or the superior court as is defined in Bill 2.

The Unified Family Court in Hamilton has been a success. For a person who is dealing with either a separation, custody, access to children or a divorce, it basically gives them one place to go to deal with all of those different kinds of problems.

Under our present laws, and for the rest of the province, depending on what you might want to accomplish in the way of litigation in a family court matter, you must choose between either the provincial level of courts or the federal level of courts and sometimes they get intermingled between the two.

It just makes absolute sense, because of the way our constitutional structure is set up in our country, to go to a Unified Family Court concept. I realize the sensitivities of moving to an amendment as I have proposed; that is, the sensitivity of the federal government in approving this next step forward in terms of dealing with a Unified Family Court, because the judges, as I mentioned before, not only have to be appointed in Ontario but they also have to be appointed at the federal level.

That is why, in introducing this amendment, I put a specific proclamation section to this amendment, in that the cabinet of Ontario would not proclaim this section until it had in fact negotiated with the federal government and dealt with the nitty-gritty parts of who is going to pay

for what, who is going to pay for the judges who are appointed at both levels, etc.

The cabinet of Ontario would not have to proclaim this section tomorrow or the day after the bill had been passed by this Legislature for third and final reading and received royal assent. They would not have to proclaim it at that time; they would not have to proclaim it a month or even five years from that time if negotiations with the federal government did not lead to a fruitful conclusion. But the problem with the situation as it now stands is that we have talked about making the unification of the family court province-wide for some five or six years now. It is about time that we took another step in seeing that goal achieved.

I understand the reluctance of the member for Yorkview, the parliamentary assistant to the Attorney General, but I must say to him that what he is going to leave himself with is the obligation to come back to the Legislature with either other amendments to the Courts of Justice Act or a specific amendment to the Courts of Justice Act to do this in the future. I want to make the government's job easier. I do not need any more consultation. Our party has made up its mind that in fact we should have Unified Family Court across this province. That may or may not be the position of some future—I cannot bind my party to whatever happens in the future. I do think it is unfair to other—

**Mr Polsinelli:** You can only bind it for the opposition?

**Mr Sterling:** No. I can bind it for the present Parliament, when we have these 16 excellent colleagues of mine who see the position of the party in supporting unified court for all of Ontario as a logical step, as the bar has seen and as basically everybody has seen.

I do not think it is a giant step for the government to take at this time to pass this amendment. If they choose, as I mentioned yesterday, they can throw the blame on to the shoulders of the provincial Progressive Conservative Party for taking this step, if the federal Minister of Justice sees this as an intrusion into the policy-making area and it puts his nose out of joint that the province is taking a step ahead of where he might want to be at this time, or whether that has been negotiated in full.

I just believe that there is an inherent unfairness in this province in the judicial system as it now stands. I believe that the government can go ahead with some validity in establishing pilot projects to deal with changes in the justice system to see how they would work, but when a



pilot project has been in place for, I believe, 10 years, there is a time when it becomes unfair to the rest of the areas of the province to allow only the city of Hamilton and that area to have a Unified Family Court. Without going ahead and accepting and pushing for a Unified Family Court for all of the province, I believe the government is denying the people of eastern and northern Ontario and the people from every other part of the province, save and except for Hamilton and area, an equal justice system, which they are entitled to.

#### 1520

Therefore, I urge the parliamentary assistant to reconsider his rejection of my amendment as placed before the House yesterday. As I added, I am quite willing to move an amendment to my amendment to include the Partition Act along with the 12 other statutes I mentioned yesterday, which would be covered jointly by both the provincial court judges and by the district court judges as they are now constituted in the Unified Family Court in Hamilton.

**Mr Polsinelli:** The member for Carleton (Mr Sterling) will know that there is no objection from this government in terms of having a Unified Family Court in Ontario. In fact, when the Attorney General made his announcement for court reform on 1 May of this year, he indicated a multiphased approach, a phase 1 and a phase 2. We are presently going through the phase 1 reforms, and that Unified Family Court which the member for Carleton feels so strongly about we hope will be an element of the phase 2 reforms.

The member for Carleton will know that if his amendment were to proceed, all the existing family court work that is presently done by the provincial court judges (family division) would then be transferred to the new General Division. In terms of the workload that would be transferred, we estimate it would be in the nature of 50 to 70 additional judge-years. That is a considerable amount of work that would be transferred.

In terms of the policy of doing it unilaterally, the member for Carleton knows that the administration of justice in this province is a joint responsibility between the federal government and the provincial government. We would not feel that it is appropriate—as a matter of fact, we would feel that it is presumptuous on our part—to change this legislation today without the concurrence of the federal government. That is, you do not pass legislation and then go to the federal government and seek its consent. It is a joint responsibility. We will be working jointly with

them in order to introduce the reforms for phase 2.

**Mr Sterling:** The parliamentary assistant is telling me that the Attorney General was wrong on 1 May in announcing that we were going to have phase 2, a complete joining of the court system, without consultation or agreement from the federal government. He is telling me now that he cannot accept my amendment, which only takes one small step, whereas the Attorney General of this province, on or about 1 May of this year, stood in this Legislature as the maker of one court to hear all the matters that a private citizen might be involved with within the courts at one level, without agreement from the federal government, with very little consultation with the federal government. So I cannot accept the use of that argument by the parliamentary assistant in rebuffing this particular amendment.

Second, he talks about the very increased workload for the higher court. Of course, my amendment includes within it the elevation of family court judges, provincial jurisdiction, to the higher court immediately. Therefore, the argument that there will be 40,000 or 50,000 more cases is true, but there will no longer be 40,000 or 50,000 cases heard at the lower level. So all you are doing is transferring the cases from two jurisdictions into one jurisdiction, but you are transferring all of the administration, all the judges, to the higher jurisdiction, and therefore the same number of people will be dealing with the same number of matters. Therefore, there is no additional workload. The workload remains the same, the number of people remains the same and therefore you carry on.

I also would point out that the move is not unilateral in that the amendment specifically puts forward a tool or a mechanism whereby it does not have to be proclaimed by the Attorney General through the cabinet, the cabinet of Ontario, until it should so desire. And we would assume that they would only do that after proper negotiations with the federal government, to see that the shared jurisdiction is properly agreed to.

**Mr Polsinelli:** The member for Carleton indicates that it is part of his intention that if this amendment were to be carried, all the provincial court judges who do family work now would be immediately elevated to the Ontario Court (General Division). He knows quite well that that elevation requires an act to be performed by the federal government; those are federal appointees. Therefore, you are only reinforcing the fact that we require the concurrence of the federal government in order to do this.

I indicate that the Attorney General in his 1 May announcement made a statement with regard to phase 1 reforms and phase 2 reforms. They are government policy, they are the intention of this government to proceed in that direction. The phase 1 reforms we have before us today have been negotiated with the federal government in terms of where we need its consent, and its corresponding legislation will have to be passed. We are prepared to go forward with this today. Negotiations are continuing in terms of the phase 2 segment of the Attorney General's proposal.

As I say again, we have a statement of the government policy that was announced by the Attorney General on 1 May, and we are proceeding as diligently as we can in order to effect that policy.

**Mr Cousens:** I would like to comment on a number of points. The first happens to be that the arguments being presented by the honourable member for Carleton have been presented before. It is not news to the member or to anyone else that he is bringing forward a number of recommendations that would in fact allow the Unified Family Court to be extended across the province.

I just have to say, having talked at some length with the member for Carleton on this, not only in caucus but earlier today, that he has canvassed a wide section of the people who are generally concerned and interested in the courts in Ontario, not that the parliamentary assistant is not and not that the Attorney General is not, although I would think that the Attorney General would be present in the House for these kinds of debates. He has never seen fit to be present for the passage of bills; he passes it on to very competent parliamentary assistants.

**Mr Polsinelli:** You redeemed yourself a little bit.

**Mr Cousens:** I am willing to say the member is competent, because I have seen him work in the Legislature and I know his commitment. But I also know that it is the Attorney General whose name the bill is attached to and who is the primary drafter of a lot of the initiatives of the Peterson government, and I am more than a little disappointed that he does not put his priorities in place to be here in the Legislature where he should be in order to carry forward the debate.

I emphasize the points that have been made by the member for Carleton. I think an awful lot of it has to do with the success that has come out of the Hamilton Unified Family Court. I would like to know whether the parliamentary assistant has

commented on the satisfaction level of the government with that approach. I do not know for whom he is really speaking, since he is not the minister. To what extent is the government really committed to that? He says phase 2. If the government is satisfied that the experiment, which has been going now since 1976, well over 10 years, has been successful, why then does it not expand it? If they are happy with it and it is working, if it is a good model, why do they not accept the kind of guidance that my friend the member for Carleton has been giving them? The answers the member is giving back to the member for Carleton on his reasoned amendment just do not make sense.

I do not think the public really understands all that goes on in the court system. I am a layman, not a lawyer, and glad of it, and when people look to the Legislature—

**An hon member:** There are a lot of lawyers aboard.

**Mr Cousens:** The lawyers are out there and they are doing a job and we all have to use the lawyers. It is just constant. But the public at large does not really understand the legal system until individuals have ended up having to go to court or they are into a marriage breakdown or they are in front of one of these acts. What he is saying is that he does not agree with the logic that the member for Carleton has been presenting; that these 12 different acts all have something in common, they are really people acts, they are dealing with the need of people at different stages and when they need the courts, they end up having an experienced level in the court that is able to respond to them.

## 1530

I look at these statutes that the member for Carleton has placed before us in an amendment: the Annulment of Marriages Act—there is a specialty there that one does not just pick up overnight—the Change of Name Act, the Child and Family Services Act, the Children's Law Reform Act, the Divorce Act, the Education Act, the Family Law Act, the Marriage Act, Minors' Protection Act, the Reciprocal Enforcement of Maintenance Orders Act, the Support and Custody Orders Enforcement Act and the Young Offenders Act; 12 acts with most of the provisions in all of these applying to this court.

Will the parliamentary assistant come back and review his logic and his thinking and not be as closed-minded as he has really presented himself? He has said on the one hand that the government needs to involve the federal government in coming forward with any changes.



Maybe part of the problem this province has had for some time is that it has a public statement and a public position and a private one. Why can there not be a better working together with the federal government on an awful lot of initiatives? If it did not just decide that it is going to railroad something through, push it through the Legislature without that dialogue that goes on with it, then we would not be having the kind of ruptured relationships that are so much a part of the way the David Peterson government operates.

I believe the government is in a position where it could be giving leadership on it not only for Ontario but for all of the country. I happen to believe that if it just sat down with our federal counterparts there would be an opportunity to develop a consensus in a number of these approaches.

It takes a certain amount of time to work out those relationships, to work out a strategy, to accept some kind of compromise on different issues, but then the government can come forward with broader legislation.

Now it says phase 1 and phase 2. I have some doubts as to when phase 2 would take place. We have had this act already operating somewhat successfully. I am sure the parliamentary assistant is going to say it has been successful—I would be surprised if he does not—but I am anxious to know what his feelings or the Attorney General's feelings are, if he is supposed to speak for him as well.

Maybe he could comment on some of the points I am raising. I raise them without the great level of depth that the member for Carleton has been able to bring to these debates for our caucus on an ongoing basis, but as one who is concerned with how the legal system works, I am speaking on behalf of the layman with a great deal of confidence in the direction the member for Carleton is trying to give this Legislature.

**Mr Polsinelli:** If the member for Markham had been here yesterday afternoon when we were discussing this particular amendment, he would have heard me say that we clearly favour a Unified Family Court for the province of Ontario and that in fact it is government policy to work towards that goal. He would also have heard me say that these types of reforms, constitutionally, are not and cannot be handled unilaterally by the provincial government. In fact, they require corresponding legislation to be passed by the federal government, the third party's cousins in Ottawa.

In terms of accepting at this point an amendment that would create a Unified Family Court

for all of Ontario, the workload that would be transferred from the existing provincial court (family division) judges to the new General Division would be in the nature of an additional 50 to 70 judges for the province of Ontario. The province does not appoint these judges. They are federal appointees.

The member for Markham would also have heard me say we feel it is presumptuous on our part to first pass legislation and then try to get the federal concurrence. Rather, it is our intention to work through this in a phased approach, this being phase 1; phase 2 being that portion that would unify all of the courts in Ontario, both the provincial courts, and that would unify all of the judges in Ontario so that all judges would have either some type of joint appointment, both provincial or federal, or be federal appointees in order that they could constitutionally handle all of the family court work.

Just in passing, I have been passed a note from a very competent Greg Perkins from our ministry who remembers that back in 1982 the parliamentary assistant to the Attorney General, then the Honourable Roy McMurtry, was the member for Carleton, who at that time had the responsibility for carrying the bill that created the Unified Family Court in Hamilton, which I hasten to add is firmly entrenched as government policy.

**Mr Sterling:** I might add, in response to that, it is a piece of legislation which has stood the test of time; and one of the arguments that my friend the member for Welland-Thorold has put forward is that there is a real concern that this piece of legislation will not stand the test of time, as many of our Supreme Court judges have alleged in various writings to members of our committee.

May I say once again to the member about this argument that he is going to create work for 50 to 70 judges. He is not going to create one more case than is presently there for any more judges. All he is going to do is elevate 50 or 60 judges to another level. That will be done only with negotiation with our federal government and that is why the amendment has within it a section that it will kick in only after that negotiation has taken place.

We are only looking forward. We are a forward-looking party. We want to progress in our justice system. We do not want to wait for phase 2 to come in, which I predict will not come within the life of this Parliament or perhaps even the next Parliament. We want to get on with the parts that we have been discussing which have been tried and true with legislation that has stood the test of time, which was good legislation, for

which the parliamentary assistant has given the former parliamentary assistant for Mr McMurtry credit. At the very completion, or hopefully the completion with regard to this amendment, I urge him to once again reconsider his position.

**Mr Cousens:** I would like to know if the Attorney General has had discussions with the federal government on this particular amendment and what discussions have taken place.

**Mr Polsinelli:** Our ministry has been in close consultation with the federal government in terms of the phase 1 reforms. That is the reason we can present Bills 2 and 3 before the House; and we hope to have expeditious passage so that we could have them implemented by 1 January of next year.

In terms of phase 2, we have had general discussions with the federal government and we hope to increase and intensify those once the phase 1 project is completed.

**Mr Cousens:** What was the feeling of the federal government on the whole Unified Family Court being extended across the province of Ontario?

**Mr Polsinelli:** I think it is perhaps not the appropriate forum to discuss the negotiations that have been undertaken by the Ministry of the Attorney General with the Minister of Justice in Ottawa. I say again that discussions have occurred with respect to what the decision is of the federal government in terms of phase 2. Perhaps the honourable member should contact his federal cousins there and see for himself. I do not want to discuss that negotiation process in public in the House.

**Mr Cousens:** The government is basically saying that the federal government is opposing it. That is the only conclusion I can draw from what the parliamentary assistant has said.

He has had a number of conversations; he is not indicating how many. Has he been involved in any of those conversations with the federal government regarding the Unified Family Court? If he has not been, who has been from the province? Has it been something the Attorney General raised at the attorneys general conference in June and is it something that is expanded beyond that?

I am just not satisfied that the government has really taken the commitment seriously of doing something about the Unified Family Court. What I am getting from the honourable parliamentary assistant is not much of an answer. He is really not coming clean and indicating what it is that this government has been doing in conversations.

It is a pile of innuendoes. If I were to draw a conclusion from all that he has not said, it is that the federal government really is blocking it.

**1540**

Somehow I do not believe that. I am more inclined to believe that because he is so new to the job and he is reading the notes that are sent to him from staff, he really has not had a chance to be involved in these discussions. Parliamentary assistants are not normally so involved. It should be the Attorney General who is answering this question and we would listen to him with rapture on what he has tried to do and what has really gone on.

Maybe he wants to expand on his answer or he is just going to leave us in limbo again. He is going to use his magnificent, large majority to just hammer through, push through something that he has not been open with in this Legislature to say what he is doing now. I am not satisfied. I am not satisfied that the government has looked seriously at the amendments that my friend the member for Carleton has brought forward.

What can the parliamentary assistant do to change my mind?

**Mr Polsinelli:** I just did not realize the member for Markham had switched critic's portfolio and become the critic for the Attorney General. I thought he was the critic for the Ministry of Housing. Has that changed? I am quite surprised.

**Mr Cousens:** I am the critic for the greater Toronto area and I cover a number of things. I look forward to parts of this bill that really impact what goes on.

**Mr Polsinelli:** I am sorry. He is now the critic for the greater Toronto area.

**Mr Cousens:** I am elected as the member for Markham for all the people of Ontario.

**The Chair:** One member at a time would be most interesting, please.

**Mr Polsinelli:** As the member for Markham quite rightly pointed out, it is not the role of the parliamentary assistant to have discussions with the federal government and I would indicate to him that the Attorney General of the province, the deputy and other officials of the ministry have had general, though private, discussions with their federal counterparts.

**Mr Cousens:** Does the parliamentary assistant have any idea when phase 2 will take place?

**An hon member:** I thought he asked that last time.



**Mr Cousens:** We keep asking; maybe they have changed their minds.

**Mr Polsinelli:** Phase 2 will take place as soon as the deliberations, the negotiations and the discussions with the federal government are completed. As I indicated earlier, the statement that was made by the Attorney General on 1 May of this year expounded what was and what is government policy in terms of court reform. We are dealing with those reforms in a phased approach. This is phase 1 that we are presently trying to get through this Legislature in order that we can have implementation by 1 January of next year. The process for phase 2—I would take it as commenced, and it will be intensified once the phase 1 reforms have been completed.

**The Chair:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Chair:** The member for Carleton has another proposed amendment.

**Mr Kerrio:** Nay.

**Mr Polsinelli:** No, we're going to give him this one.

**Mr Sterling:** I think the member for Niagara Falls (Mr Kerrio) should listen to the amendment before he votes.

**Mr Kerrio:** I'm sorry. I used to do that with the N.D.P. I used to say I'm against it if it was proposed by the N.D.P.

**The Chair:** Mr Sterling moves that subsection 14(1) of the act as set out in section 2 of the bill be amended by adding at the end "and may reassign a judge from one region to another."

**Mr Sterling:** This amendment is to give the Chief Justice of the Ontario Court, as we changed the name yesterday, the right and the flexibility to reassign a judge who is located in one region to another region in certain circumstances.

I will be amending another part of the bill in my next amendment, to subsection 14(5), to basically put the conditions under which the Chief Justice would make this reassignment, just to give more flexibility to the situation, particularly where the regions are large and there is an anomaly in the division line in the region, where perhaps a judge has a particular specialty and may have to be reassigned from one region of the province to the other.

I think it is also beneficial for judges of the General Division to have an understanding not

only of the region of the province where they are normally sitting, but also of the other parts of the province. That would be best achieved by assigning them from time to time outside of the region where they are normally located.

**Mr Polsinelli:** We thought the assignment power was already in the bill. However, the bill's wording has led to some question as to whether or not it, in fact, was there. Accordingly, we support the amendment that is submitted by the member for Carleton.

**The Chair:** Mr Sterling has moved that subsection 14(1) of the act as set out in section 2 of the bill be amended by adding at the end "and may reassign a judge from one region to another."

Thank you for saying "dispense" when there was one word left. Thank you.

**Mr Sterling:** Sorry about that.

Motion agreed to.

**The Chair:** Mr Sterling moves that section 14 of the act as set out in section 2 of the bill be amended by adding the following subsection:

"(5) Subsections 1 and 3 do not prevent the Chief Judge of the Ontario Court, in consultation with the appropriate regional senior judges of the Ontario Court (General Division), from requiring a rotation of judges through two or more locations within or outside the regions to which they are assigned."

**Mr Sterling:** Basically, the comments I have are similar to the comments I made dealing with the previous amendment which was accepted by the government.

**Mr Polsinelli:** We have no problem with what is contemplated, other than that the amendment requires the Chief Justice to consult with the regional justice. There may be a question there of whether or not it infringes on judicial independence. However, we feel generally that this amendment is unnecessary since the powers contemplated by the amendment are already covered in subsection 14(4) of the act, dealing with temporary assignment.

**The Chair:** All those in favour of Mr Sterling's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Chair:** Mr Sterling moves that section 20 of the act as set out in section 2 of the bill be amended by adding thereto the following subsection:

"(1a) At least two of the three judges sitting together shall be judges permanently assigned to a region other than the region in which they are sitting."

**Mr Sterling:** Section 20 deals with an appeal or a proceeding before the Divisional Court, which normally deals with procedural matters. The intent of this amendment is to provide, on the panel of three judges who normally hear this kind of an application before the court, a court which is not coloured to a very large degree with a local flavour.

The problem is that as we have our courts divided up into eight different regions, there can appear to be on the decisions of an appeal mechanism a regionalization to the decisions made in that context. Therefore, if the original decision or the original hearing which the appeal sprung out of at a trial division was located in one region, we do not feel that judges from that region should be put in the position of having to defend judges from their region. We believe that it would be a greater mete of justice if in fact two of the three judges came from outside that region into that region.

**1550**

The number of cases the Divisional Court, as I understand it, undertakes is not to be confused with the great number of trial cases which would be heard by the courts in our province. Therefore, we do not see this as a great problem to overcome in terms of moving two judges in for that kind of a hearing.

**Mr Polsinelli:** We feel the Chief Justice already has that power, if he chooses to exercise it, under subsection 14(4) of the act. Requiring him to do what this amendment suggests, in our opinion, would interfere with judicial independence. The assignment of work to judges and the making up of hearing panels are clearly reserved by law to the judiciary itself, as the member for Carleton would know, under section 93 of this act. Again, I say that imposing this type of a requirement on them would delve dangerously close to interfering with judicial independence.

**Mr Sterling:** I do not understand the argument about how the composition of the bench in legislation, which is in law, outlining the structure of the court, could in any way be deemed to be an intervention into the judicial system. Of course, it is an intervention in the judicial system. Every piece of legislation which we make in terms of dealing with the Courts of Justice Act is an intervention into the justice

system. We tell them the rules under which they must run.

An intervention into the justice system is when the member for Yorkview, or myself, or any member of the Legislature, or a politician, the Attorney General or the Premier (Mr Peterson) or a member of the opposition goes to a judge and tries to get out of him a different process than is provided for in the written law or a different result in a hearing that is in front of the court. Then it is interference.

But it is not interference in the judicial system for us to say that two judges must come from there and one judge must come from there. There is no problem in terms of intervention with the judicial system because, if you carried that or extended that argument to the fullest, then all of the statutes which we have made in setting up the court structure, which have any restriction on what a judge does, would in fact be an intervention into the system by extension of the member's argument.

So I do not buy that part. I just believe this amendment will lead to better decisions, and we are talking basically about decisions that are on appeal to three judges. What I would prefer to see, quite frankly, is that if there is an appeal in eastern Ontario, then in that region two judges could come from outside to deal with that appeal and one judge could be appointed within.

It does restrict the Chief Justice in who he appoints from that region for that appeal but it does not restrict him—he has seven other regions to draw from—in determining who those other two judges are going to be.

**Mr Polsinelli:** My comments were not that this is an interference in the judicial system but rather that this, we feel, is somewhat of an infringement on judicial independence. This amendment is not dealing with the structure of the court, but rather it is requiring the Chief Justice to assign some members of his court to do certain work and prohibiting him from assigning certain other members from his court to do that work. The assignment of work, as I understand it, is something that the judiciary guards very jealously. They feel it is an integral part of the whole process of judicial independence.

**Mr Sterling:** I guess my argument would be in reverse, in terms of saying that for judicial independence what I want is that the appeal be decided on the merits of the case and not on the basis of the personality of the judge who found at the lower level. I think that while we all would argue and support our judiciary on having in the past based their arguments on the merits of the



case that was in front of them, there can be no decision made in life, not that I know of, that is not somewhat coloured by the characters who are the players in that decision.

Therefore, the idea of maintaining the independence of the appeal hearing by having three judges, two from outside and one from inside, is to say to the people who are appealing that it is not a homegrown decision; it is a decision which is based upon the merits of the case and that is guaranteed by the fact that two judges are from outside the region.

**Mr Polsinelli:** There is no doubt that what the member for Carleton indicates is a sensible policy. However, we feel that it is inappropriate for us to dictate that in legislation. There is no doubt that the Chief Justice, in assigning the work to the regional judges, will see the logic of the member's policy and may even implement it. Again I say that we feel it is inappropriate to dictate that in legislation.

**The Chair:** All those in favour of Mr Sterling's amendment will please "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

**The Chair:** The member for Carleton, is that your last motion on section 2?

**Mr Sterling:** Actually, I have an additional amendment which I will be giving to you shortly.

**The Chair:** To section 2?

**Mr Sterling:** Yes, to subsection 35(1).

**The Chair:** Mr Sterling moves that subsection 22(1) of the act, as set out in section 2 of the bill, be amended by striking out "the prescribed amount" in the fourth line and in the eighth and ninth lines and inserting in lieu thereof in each case "the greater of \$3,000 or a prescribed amount."

Before we start debating this point, you just mentioned that you have more amendments. Are these the only copies or does everybody else have copies?

**Mr Sterling:** I have a copy here for the parliamentary assistant and a couple for the table. Perhaps we could give the member for Welland-Thorold a copy as well.

**The Chair:** While we are on that topic, it would be a great courtesy if all members realized, if they want to bring amendments like that, that at least seven copies are required: one to the minister or parliamentary assistant, one for each of the opposition critics, and the table will need four copies, one for the assistant clerks, one

for the chair, one for Hansard and one for the interpreters. So in the future, if all members would remember to bring at least seven copies, it would be most appreciated.

**Mr Sterling:** We are sounding like the government, Mr Chairman.

Interjection.

1600

**Mr Sterling:** If my friend the member for Middlesex (Mr Reycraft) wishes to enter the debate, I would prefer if he would enter the debate on the merits of the issue rather than talk about seven copies.

This amendment deals with the monetary jurisdiction of the Small Claims Court. As you may or may not know, Mr Chairman, we have another glitch in our justice system in Ontario. I talked earlier this afternoon of the city of Hamilton and environs having the privilege of having a Unified Family Court. That was set up as a pilot project over 10 years ago.

We also have another system which is not unified across this province. In the Metropolitan Toronto area, for the county of York, I believe, the maximum level of claim in the Small Claims Court is \$3,000. In the rest of the province, the maximum claim is \$1,000 only. Therefore, there are many people who would like not to have to go to the higher courts but have claims anywhere from \$1,000 to \$3,000 to deal with and would like to deal with those in the small claims courts across this province.

Under this present legislation, the complete amount of the jurisdiction is left "not to exceed the prescribed amount." That means that the cabinet of the day has the right to either leave the limit as it is now, \$3,000 in the county of York and \$1,000 everywhere else, or they can raise it to \$3,000 everywhere else in their own good time, or they can reduce the amount in any of the jurisdictions at their own discretion. This amendment puts in a base or a floor of \$3,000 for the Small Claims Court across this province from one end to the other.

The confederation of independent business people, small business, the chamber of commerce, all of these small businesses would like the jurisdictional limits of our small claims courts raised to \$5,000. This is only an intermediate step by putting a floor of \$3,000 across this province.

We have waited too long for the government to react to the demands of society and to deal with the inflationary effects of the dollar over the last 10 or 15 years. I believe the last time the limit was set up for small claims courts across the

province was some eight or nine years ago when it was raised to \$1,000. Even on an inflationary basis, that probably now only deals with about half that amount. It may not be quite that dramatic.

Notwithstanding that, it is important to the small consumer, the small businessman, to be able to deal in the small claims court because the process is not as marred with technicalities, with legal expertise, with the necessity for long preparation, for the preliminaries that are necessary with regard to a trial at a higher level. In other words, it is cheaper justice in the Small Claims Court.

Therefore, I have moved this amendment and I am supported by the Canadian Bar Association, which represents lawyers who do not normally want to deal with these matters because they cannot explain to their clients why their fee is in excess of the amount they are in fact litigating over. So I would ask the Legislature and particularly the parliamentary assistant to accept this amendment as being reasonable and long overdue.

**Mr Cousens:** I want to just thank the member for Carleton, as a lawyer, for suddenly giving up his conflict-of-interest position. What we have really got here is for once we have a lawyer who is saying let's help people without involving the lawyers. Quite candidly, I think it is the kind of position that this government will want to proceed with, inasmuch as when people are taking a claim through Small Claims Court, what amounts to \$1,000 these days is really a very small amount. What it will now do is to take an increased load. It will allow the litigants to take their own cases before the courts themselves, without having that overhead that is generally involved by having a lawyer.

I think there is every sense to this. It puts the onus back on that individual to take his fight forward. They understand the court system, they do not have to share the cost with someone who is going to give legal counsel. Lawyers right now do not necessarily want to get into the business. As the member for Carleton has just said, very often the kind of money that they are taking someone to court for is really going to be absorbed in the legal costs.

It is just this kind of amendment that will begin to show that this government is taking into consideration the small person across the province of Ontario. I have in my hands a copy of a letter that was sent to the Attorney General on 4 October from the Canadian Bar Association and what it is really saying is that the monetary

jurisdiction of the provincial court (civil division) should be \$3,000 across the province. It goes on and it makes some other recommendations that I do not necessarily go for and in the wisdom of the member for Carleton we have decided to go with the \$3,000 figure across the province.

In the letter from the bar association it says there is no good reason for the monetary jurisdiction of the provincial court (civil division) in Toronto to be different from that of other areas. And this is the view of our members throughout the province. Very often, when a member is from Toronto—the parliamentary assistant is from Toronto, the Attorney General is from Toronto—they do not have a sense of the rest of the province, they do not have a sense of northern Ontario, that area that is north of Steeles. They do not have a sense of those who are in the west or the east.

This is a huge province and it is not just Toronto. Costs are increasing all over the place and what we are saying to the people of all Ontario is, "Let's treat you equitably and let's understand that you have needs as well." So I am accepting the fact that we in this province should not have two standards, one for Toronto and one for the rest of the province. Toronto is taxed in a number of different ways. There is now the commercial concentration levy, so Toronto is going to be given an extra punitive punch by the province of Ontario with this double taxation approach. We see all kinds of ways in which this province draws a circle around the greater Toronto area and then forgets about the rest of the province.

What we are talking about in this bill is the fact that the rest of the province should be given equal shrift. What they are saying—I want to just put this into the record because I believe that when the Canadian Bar Association—Ontario division, put this down they were not just writing another letter to fill space. They said, "Cases involving less than \$3,000 are often most suitably dealt with by the litigants themselves and the provincial court (civil division) provides them with the environment in which they can do so."

I have not personally taken a case to the civil court, I know a number of young people who are thinking of doing so within my own riding. I think it gives them a personal touch with the legal system, it gets them involved. I think that it is going to allow some people to clean up their act because they think, "Well, if it's over \$1,000, we don't really have to worry about." When you take that integrity that is going to be built into



relationships with people once they know that someone will be able to take them to court for up to \$3,000, I think is going to build a little bit more sacred trust in relationships between people with whom they are doing business.

I agree with the point that was made by the member for Carleton, that there has been almost universal support for the raising of the jurisdiction of this court. I would hope that the parliamentary assistant will take this as a very serious amendment and one that should not be just treated frivolously as so many of the other amendments have been.

**1610**

**Mr Polsinelli:** The member for Carleton, as a lawyer, makes eminent sense and the member for Markham (Mr Cousens), as a nonlawyer, is also making some good sense.

There is no question that we feel that it is high time that the limit in the Small Claims Court was increased. We all recognize that the last time, I think, it was increased was by the former government in 1980 when it increased it outside of Metropolitan Toronto from \$400 to \$1,000 and in Metropolitan Toronto from whatever it was to \$3,000.

But the member for Carleton will know that when the Attorney General made his announcement on 1 May, we committed ourselves to going not to \$3,000 but to \$5,000. We have committed ourselves to having one provincial limit and not discriminatory limits outside of Metro and inside Toronto but rather one limit throughout the province, and that is a limit of \$5,000.

**Mr Sterling:** Point of order, Mr Chairman.

**The First Deputy Chair:** We have a quasi point of order.

**Mr Sterling:** I would be quite willing to accept an amendment to amend \$3,000 to \$5,000 if the parliamentary assistant wants to do that.

**The First Deputy Chair:** Here is the deal. You can refuse.

**Mr Polsinelli:** It is a great deal. It is pretty tough to pass up, but the difference between the way the member for Carleton would like to do it and the way that we would like to do it is that we would like to bring into force all at once for \$5,000. We would also like to have a Small Claims Court system established that will be able to handle the extra increased workload.

So what we are doing now is, as soon as the bill gets passed, we will be increasing the staffing in the small claims courts outside of Metropolitan Toronto, recruiting and training deputy judges so they will be able to handle the increased

workload. I have been given all assurances and I am convinced, and I guess I make the commitment, that in 1990 the \$5,000 limit will be proclaimed and we will have a \$5,000 limit throughout the province of Ontario.

**Mr Sterling:** As I indicated in my quasi point of order, which I learned from the chairman incidentally, I am quite willing to put within the section—I mean the parliamentary assistant knows well that they need not proclaim this section along with the other sections of the bill, but what we want is some kind of guarantee that in fact this is going to happen. Therefore, I would like to withdraw my original amendment and substitute therefor another amendment.

I move that subsection 22(1) of the act, as set out in section 2 of the bill, be amended by striking out “the prescribed amount” in the fourth line and in the eighth and ninth lines and inserting in lieu thereof in each case “the greater of \$5,000 or the prescribed amount.”

**Mr Cousens:** I second that.

**The First Deputy Chair:** Well now, just hold on for a moment. All that he is proposing is he now wants to put forward in a more formal way what he somewhat facetiously attempted to put forward in a quasi formal way, that is to say, he would like to change the dollar amount from \$3,000 to \$5,000. The table has not received this in writing. I think if the member would ask for unanimous consent, then we would consider the question. If he would care to do so, we will proceed.

**Mr Sterling:** I am asking for unanimous consent.

**The First Deputy Chair:** He is asking for unanimous consent. Does the member have unanimous consent to proceed?

Agreed to.

**The First Deputy Chair:** Hearing no objections, proceed.

**Mr Cousens:** I think the deputy chairman should not use the word “facetiously” so frivolously.

**The First Deputy Chair:** I think the member for Markham should keep his company quiet.

**Mr Sterling:** Might I add that if this amendment is passed by the Legislature, I will then submit an amendment that will kick into effect subsection 22(1) of the act on 1 January 1990 when the parliamentary assistant has said it is going to go to \$5,000. Therefore, there should be no objection by the parliamentary assistant to going to \$5,000 on 1 January 1990. If he cannot

meet that date, I am quite willing to accept from him an alternative date as long as there is some time definite when in fact this is going to go to \$5,000.

**Mr Polsinelli:** What the member for Carleton is proposing is something that has been done in the past and can be done again. I think our intentions are the same. Our intentions are to bring the monetary limit jurisdiction of the Small Claims Court to \$5,000. The member for Carleton would like an assurance that we will do what we say we are going to do. I say look at our record, trust us.

The danger with putting in a section in the bill and not proclaiming it is that we may have the profession relying on that section and not knowing that it is not proclaimed. We may do a disservice to the public who may read the bill and see that section that has not been proclaimed and may rely on it.

So what I would suggest is that we wait until 1990 when the regulation is passed moving the monetary limit to \$5,000; that we wait until we have enough time to recruit the individuals and the facilities that are required for the Small Claims Court systems outside of Metropolitan Toronto to handle the increased workload, and I assure the honourable member that that date will come in 1990. I cannot promise that it will be 1 January 1990, but as soon as we have the small claims courts outside of Metropolitan Toronto brought up to par then we will have the regulation passed increasing the monetary limit to \$5,000.

The member talked in his earlier comments about the inflationary impact on the monetary limit. I guess he can see that one of the reasons that we want to deal with the monetary limit by regulation rather than by legislation is that, as inflation impacts on that limit, by regulation the cabinet could increase that limit as it feels appropriate.

**Mr Sterling:** The reason for putting the amendment forward is because this government has promised for some period of time to increase the monetary jurisdiction of the Small Claims Court, but the record, as the parliamentary assistant has shown, is sad. The record is that they stall. The record is that they do not make decisions.

Therefore, I am saying to the Legislature of Ontario, we have to put a base on this. We have to ask them for a time limit as to when in fact they can get this done by. I am not denying the parliamentary assistant the right to prescribe by regulation in the future an increase above

\$5,000. All I am asking him is to do what he says he is going to do but put in writing.

Further, the parliamentary assistant talks about the bar, the lawyers, and the people knowing what in fact is going to happen. There is no better way to tell the people what is going to happen than by including it in the legislation here today. If we put it in the act and we say 1 July 1990 is going to be the day, then the bar will know, the lawyers will know, instead of the Attorney General marching in here on 15 May or whenever it is and saying, "1 July is the date, guys, that it is going to happen." If we let the people know in advance and we write it down and embody it in the legislation, then it will be promulgated as soon as this bill receives royal assent.

So the argument really is in reverse of what the parliamentary assistant is saying. There is no better way to let the people know than by putting it down in hard, cold legislation. This amendment does not prevent him from increasing the limits in the future above \$5,000 across this province. He has promised for a long period of time to raise these. He has not met those promises before. The business community wants this. Consumers want this. Let's accept this amendment. Let's be big-hearted for a change and really take forward. Come on. The amendments he is giving are word changes. This is an amendment which has some impact across the province.

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**Mr Polsinelli:** It boils down to this. What the member for Carleton would want is what the government said it is going to do. The member for Carleton is proposing a mechanism that is different from the mechanism being chosen by the government. Accordingly, we will not be supporting his amendment.

**The First Deputy Chair:** I think the House is ready for this question.

**Mr Cousens:** I think it should just be noted that the parliamentary assistant says one thing and then, when it comes time to put it into action, as has been requested by the member for Carleton, it just is not capable of being done. Would the parliamentary assistant give us some indication as to when we would—he is going to vote it down and that is his prerogative. He has the power to do it.

When does he expect to make this announcement? Is there going to be something big in the throne speech next year, when the David Peterson government announces, "We are suddenly making the \$5000 limit available for the



Small Claims Court"? Is that how he is going to do it? Great, big, heroic words. When is he going to do it? Can he tell us just what date it is?

One more thing, since he has so much that has to be done to hire extra staff, how many extra people and how much extra work have to be done to set up the small claims courts across the province, as this \$5,000 limit would bring about?

**Mr Polsinelli:** The member for Markham would like to know when we are going to make this announcement. The announcement was made on 1 May 1989 in a written statement from the Attorney General of this province and it will be implemented, in terms of the monetary increase of the Small Claims Court to \$5,000, some time in 1990.

**Mr Cousens:** We got a written statement from the Minister of Transportation (Mr Wrye) not too long ago that there would be a second train on the Markham-Stouffville run—

**The First Deputy Chair:** Excuse me.

**Mr Cousens:** Oh, come on. That is a valid point, unless you have a point of order.

**The First Deputy Chair:** The member for Markham will take his seat. Thank you. Is there further debate on the amendment that is before the House? If not, is the House ready for the question?

**Mr Cousens:** I have a question.

**The First Deputy Chair:** The member for Markham is testing me sorely this afternoon.

**Mr Cousens:** I am prepared to test you further, Mr Chairman, because I am making a point that the parliamentary assistant has just said that because he has announced it and it has been in writing, it is going to happen. I can draw other parallels where this government has made announcements that there would be certain services rendered within a certain time frame and they were not done and will not be done. So you come along and you have my parliamentary friend the member for Carleton putting forward a reasoned amendment, and I just do not have the sense of confidence that you have. Thank you.

**The First Deputy Chair:** You will not be thanking me much more. Are you ready for the question?

Mr Sterling moves that subsection 22(1) of the act, as set out in section 2 of the bill, be amended by striking out "the prescribed amount" in the fourth line and in the eighth and ninth lines and inserting in lieu thereof in each case, "the greater of \$5,000 or the prescribed amount."

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The First Deputy Chair:** The member for Carleton has a further amendment.

**Mr Cousens:** Can I ask a question, Mr Chairman, about the deputy judge appointment under section 23? Are there any changes going to be made in the deputy judge appointment process under the new bill 2? If so, what are they and are there any changes in qualifications?

**The First Deputy Chair:** Are you on section 2?

**Mr Cousens:** Section 23 of the act is what I am referring to, just pursuant to the previous section we have just been debating.

**The First Deputy Chair:** Does the parliamentary assistant have a reply?

**Mr Polsinelli:** I am advised that is one of those items that will have to be considered next year.

**Mr Cousens:** Could the parliamentary assistant tell me what that means? I do not understand the answer.

**Mr Polsinelli:** My understanding is that we are going to have to be working with the regional committees in terms of the qualifications required for the deputy judges and the training required for the deputy judges.

**Mr Cousens:** Could the honourable parliamentary assistant tell me, for the edification of this House, what are the qualifications for a deputy judge right now and what are the directions he is seeing being taken under the changes that are being proposed?

**Mr Polsinelli:** The qualifications today are that the deputy judge be a member of the bar and that it is the local district judge, I believe with the concurrence of the Attorney General, who makes the appointment.

**Mr Cousens:** Are there any other changes being considered to this? I mean, because it is being brought in here, it would seem to me there is going to be some change made. I just did not know what is involved with this deputy judge appointment process. For instance, if there are changes, what discussions are going on at that level?

**Mr Polsinelli:** We are going to have, we believe, a better training and a better selection process. The discussions have not started yet because the committees are not there yet.

**Mr Cousens:** Could I ask if the parliamentary assistant could explain then how many deputy judges would be appointed under the act as it is being proposed, especially when we get into the extension of the services under this part of the act?

**Mr Polsinelli:** My understanding is that it could be in the hundreds and that some of them may only sit one day a month.

**Mr Cousens:** How many are appointed right now and what would be the salary that would be made to the deputy judges that come through it? I would just like to have a feeling for it. What do they get per day? If the parliamentary assistant is saying that they sit on a per diem basis, what is it that they get?

**Mr Polsinelli:** Mr Chair, can I ask what amendment this is referring to, please?

**The First Deputy Chair:** Yes. I am going to—

**Mr Cousens:** It is not an amendment. I wanted clarification.

**The First Deputy Chair:** Excuse me. I am going to ask the member for Markham to explain to the Chair precisely what is under way here. I was under the impression that we were dealing with a bill. The member for Carleton has given us an indication of several amendments, and I think he is anxious to proceed with them. Could you tell us what you are doing?

**Mr Cousens:** Mr Chair, we are in committee of the whole, as you know, and you are the First Deputy Chair of the Committee of the Whole House. We are looking at Bill 2, An Act to amend the Courts of Justice Act, 1984. I am dealing with section 2 of the bill, under section 23. I am concerned about the role that is played within this part of the bill as it relates to deputy judges, the appointment process, what they get, what is being done on it. It is a very important role that is taken within that part of the bill, and I am just very interested in having an explanation by the enlightened parliamentary assistant on it.

I have no particular amendments to raise on it, but if there is any time that we are going to raise it on some of these things, now is the time to do it in committee of the whole House, unless you are making a new regulation in the House as Deputy Chair, saying that we can only deal with amendments. We can also discuss certain parts of the bill. I have seen you do that when you were a backbencher.

**The First Deputy Chair:** You have seen me do a number of things when I was a minority member. I do not have a problem with your asking questions, but I am sensing that the House

would like to proceed with the bill, and I am simply asking you to give us the grounds that you are questioning under.

**Mr Polsinelli:** The member for Markham will know that this bill has gone through the committee and that the members of the committee held public hearings on the particular bill. I believe we also had briefing sessions from the Ministry of the Attorney General in terms of what the bill said and what it did.

But knowing of the deep interest that the member for Markham has in deputy judges, perhaps I can undertake to send him some information from the Ministry of the Attorney General in terms of the role of deputy judges, the numbers that we have in the province of Ontario and the projected additional workload that would be required in terms of new appointments to the deputy judge position once this bill is enacted.

**Mr Cousens:** In the spirit of what we are really trying to do, that will be very helpful to me. Quite candidly, I have had a great deal of trouble with the reluctance on the part of the Attorney General's ministry to do anything with this section of the courts for such a long period of time. They were saying, as the parliamentary assistant has said again today, there are extra costs that are incurred by the province by the expansion of this service, in taking it from 1,000 to 3,000 or 5,000 across the province.

In the spirit of the goodwill that we have, I look forward to receiving that from the parliamentary assistant before we sit again.

**The First Deputy Chair:** Anybody else have any questions of anybody and anything? Perhaps we could proceed now—the member for Welland-Thorold.

**Mr Kormos:** I have to at this point—holy cow, I have been listening to this and this is exactly what we have been talking about for a long time. This very section, section 31, was one of the new amendments to the bill that the government rammed through in committee. That is what the two arrows in the bill indicate.

The parliamentary assistant talks about public hearings. Well, that was exactly what the problem was. Everybody who appeared before those hearings said, "For goodness' sake, give us another month to get in touch with our membership so that we can properly consult with them and provide input into the legislation." He says public hearings. Well, once again, it was public hearings: "Okay. Here we are. You've got five minutes." Proverbially five minutes. "Now, take off. You're finished. We're not interested in hearing any more from you."



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**Mr Ballinger:** That's a bunch of bunk.

**Mr Kormos:** Bunk? Bunk, my foot. Quite frankly, the member for Durham-York once again has no idea what he is talking about. One, he was not there, and if and when he were there, he would not understand legislation like this. He does not know crap from Shinola in the total scheme of things when it comes to Bill 2 and Bill 3.

If he had, he would understand that it was important for people such as the Canadian Bar Association, the Advocates' Society, the Criminal Lawyers Association, the Ontario District Court Judges Association, the Supreme Court judges of Ontario, and last but not least, His Lordship Chief Justice Dixon of the Supreme Court of Canada saying: "Slow down. This bill is really flawed. You should take a second look at it and maybe you should listen to some of those smart people, some of those members of the bar in Ontario and those members of the bench who wanted to help the government along."

But no, the government in its arrogance wanted to ram it through and made quite clear that it was not going to permit a deferral of the issue for merely one month, four weeks, so that these prestigious groups could look at the bill and consult their memberships.

Specifically, these people pointed out that sections such as section 31, which were the new amendments to the bill, were the ones that were prepared only days before they were permitted to be here before the committee, amendments that were prepared merely days before. That is exactly the point. For the parliamentary assistant to talk about public hearings is really a farce. It is farcical. Public hearings, my foot. It was the farthest thing from it. It was a joke. It was a charade.

**The Second Deputy Chair:** Any other comments, as I peruse the chamber. Mr Sterling has a further amendment? Did I miss something back there?

**Mr Sterling:** I have another amendment but it is—

**The Second Deputy Chair:** Mr Cousens, what are you talking to?

**Mr Cousens:** Just on this general section, are there going to be new sets of guidelines for the selection of deputy judges? Can you say that there? I know that as we move farther into the bill, into section 31 of the act, it protects anyone who had been appointed previously. Therefore,

are there going to be new criteria used in that selection process?

**Mr Polsinelli:** I have already undertaken to provide the member for Markham with information from our ministry in terms of the position of deputy judges. However, in terms of any qualifications or standards or the like, the member for Markham will know that we are going to be consulting with the regional committees in terms of developing those criteria. The member for Markham should also know that it is the regional judges who will be making the appointments of deputy judges, so the deputy judges will have to comply at least with the criteria that each regional judge will be looking for in a potential applicant.

**Mr Cousens:** The next section I would like to look at is section 32 of the act, if there is no one who has other amendments or comments prior to that.

**The Second Deputy Chair:** Seeing no amendments, comments, section 32.

**Mr Cousens:** I would like to get some clarification from the parliamentary assistant on subsection 32(1), "There shall be a clerk and one or more bailiffs for each division of the Small Claims Court who shall be appointed by the Lieutenant Governor in Council." What is the process of the selection of those names before they go to the Lieutenant Governor in Council and how are the names prepared? What kind of dialogue is taken within the political party the member represents, the Liberals in Ontario, or any other process to select those people for this important appointment?

**Mr Polsinelli:** Section 32 of the act is almost a direct derivative of the old act. The process has not changed. If the member would like an education in the law, perhaps he can speak to the member for Carleton.

**Mr Cousens:** The parliamentary assistant can keep his sarcasm. I happen to believe there has to be some kind of public accountability in the appointment process, so I ask the parliamentary assistant if he would be so kind as to tell the House what are the criteria used in the selection of bailiffs.

**The Second Deputy Chair:** Before you respond, maybe it would be nice if the chair could first recognize the honourable member and then you can continue to speak.

**Mr Polsinelli:** I understand that the qualifications and criteria have not changed.

**Mr Cousens:** In that case, maybe the honourable parliamentary assistant could tell us what the criteria are for a bailiff.

**Mr Polsinelli:** Mr Chair, I am having some difficulty understanding the process. I understood that once we went into committee of the whole, the chair then asked for any sections that were to be reserved for comments, questions or amendments. The only sections that I understood were reserved were the sections that were pointed out by the member for Carleton. Could I have a ruling on that, please?

**The Second Deputy Chair:** My understanding is that we are progressing with section 2 of the bill and the various subsections. I am trying to make our way to Mr Sterling's proposed amendments, and Mr Cousens indicated some inquiries prior to that amendment. We are just working our way through the bill; that is all we are doing. Mr Cousens, let us try to get on an even—

**Mr Sterling:** Mr Chairman, as we go through a bill, any member of this Legislature has the right to ask questions about any section of the bill as we go through it. We have not been carrying the sections as we have gone and perhaps that is an error in terms of the chair when you were not sitting there. Normally, as you go through, you carry the sections as you go, the amendments are voted down or up or whatever it is, and you carry each and every section as you go through.

The member for Markham and any member of this Legislature has every right to deal with every section and ask as many questions as he wants. Then he might, as a result of the questions, want to propose an amendment. Who knows?

**The Second Deputy Chair:** If I might say to the parliamentary assistant, that is what I was attempting to clarify for you. That is correct. I am trying to make my way through the various subsections. I want to say to the honourable member that he is also correct in terms of the passage of the various sections, but of course, looking at this bill, if you look at it in that term, the very section is section 2, which we are trying to do as opposed to the various subsections of section 2. Do we have a point of order from the parliamentary assistant?

**Mr Polsinelli:** No, it is not a point of order. It is basically a continuation of the same discussion. I have no objection to responding as best I can, with the staff, to the questions that are posed to us, but if those questions are dealing with sections that have been unaltered, unchanged, from the existing Courts of Justice Act and what the member is trying to do is get a detailed explanation of how the act works, perhaps he should have attended the committee where we had staff from the Ministry of the Attorney

General who are intimately familiar with every facet of this act, and he would have had every question answered.

If he is dealing with sections of this act which have been amended or with new policies, I will be pleased to provide him with whatever information I can.

**Mr Cousens:** Let me just say—

**The Second Deputy Chair:** Order, please, I say to the honourable member—

**Mr Cousens:** —to the honourable, benevolent Second Deputy Chair of the Committee of the Whole House—

**The Second Deputy Chair:** —for whom I have nothing but the highest respect.

**Mr Campbell:** He is trying politely to tell the member to sit down.

**The Second Deputy Chair:** That is correct. I am trying politely to ask you to sit down. Thank you.

I want to say to the parliamentary assistant that in my learned opinion in terms of this process, as frustrating as it probably appears from time to time, the honourable member does have the opportunity of questioning each section whether it is a new amendment or just the old act. Actually, I have forgotten what section we are talking about. Let's get back on track a little bit.

**Mr Cousens:** We are talking about section 32. I would like to go on record—maybe the parliamentary assistant, with his generous spirit saying, "Go back to the committee"—that I am of the understanding that the committee was shut down by the Liberal majority and did not allow the continuation of debate and discussion in that committee. How can that member, in this House, other than with the self-righteousness that comes from someone who has the power to do what he wants to do, then say that we do not have the right to debate and discuss it in the Legislature of Ontario, because they did shut down the committee?

**The Second Deputy Chair:** Let me say to the honourable member that this of course has everything to do with section 32.

**Mr Cousens:** That is what I am leading up to, Mr Chairman.

**The Second Deputy Chair:** I see.

**Mr Cousens:** I asked him for the criteria for the appointment of bailiffs. I asked for some insight into what he is doing. With the expansion of the Small Claims Court of Ontario, we are going to have far more appointments of bailiffs and clerks within the Small Claims Court. That is



what the member has indicated, great numbers of them. I would like to have some sense of knowing that they are going to be clean appointments, that it is not just going to be the Liberal Party of Ontario appointing its friends and that there is going to be an open, public process when these people are being appointed.

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**Mr Epp:** What do you think this is, the Tory government?

**Mr Cousins:** If the honourable member wants to participate in this, I would be glad to hear from him, but that is the kind of thing I am leading to on it and it has to do with the kind of secret agenda that goes on behind certain bills that are there.

This is my chance to ask that question. I would like the parliamentary assistant to set the record clear and explain to the people of Ontario that there will be a process in which bailiffs and clerks who are appointed in the expanded Small Claims Court system are going to be clean and we are not going to have some of the worries that I may have right now, unfounded though they might be from his perspective.

**Mr Polsinelli:** Perhaps the member for Markham can indicate some group that requested to appear before the committee and was refused. I am not aware of any. I do not recall the Liberal majority on the committee passing a time allocation motion. I remember that there was full debate on this and that anyone who wanted to speak on it was able to speak on it.

In terms of answering his question about bailiffs, my understanding is that they will be appointed only on merit; that is, the ability to do the job of a bailiff, and that ability will be assessed by the courts administration division of the Ministry of the Attorney General and recommended by its administrator, and taken by the Attorney General to the cabinet on the basis of the recommendation.

**The Second Deputy Chair:** In an attempt to have proper rotation, I had missed the honourable member for Welland-Thorold.

**Mr Kormos:** Twice.

**Mr Haggerty:** Move up to the front row. We will let you sit there.

**Mr Kormos:** In due course.

It is remarkable. Somebody talked about the right of a member to ask questions like this. Really, is it not the obligation of a member to raise these issues, to ask the parliamentary assistant or the Attorney General, whoever may happen to be here, what particular sections or

subsections mean? Surely we do not take this apart piecemeal and deal with each particular section in isolation. The relevance of a particular amendment may depend on the meaning, at least the purport, of the drafters, of the authors, of the people who present this kind of legislation.

The parliamentary assistant, with his most recent comment about not imposing closure the committee is really—oh, my goodness, he is testing anybody's Diogenian limits because I have the transcript right here of the committee hearings. I read the letter from Earl Levy, president of the Criminal Lawyers Association, who was not permitted to make submissions to the standing committee on administration of justice, was denied access to the justice committee.

The other day when those people were here from the Soviet Union and the Speaker stood up and chuckled about how we cannot challenge the Speaker any more, I certainly wanted to point out to our guests from the Soviet Union that they know all about that.

**Miss Nicholas:** Mr Chairman, on a point of order: While the honourable member's comments are most interesting, I fail to see what they have to do with the section we are discussing.

**The Second Deputy Chair:** I acknowledge the honourable member's point of order. Actually, I think it is a pretty accurate point of order, so I would ask the honourable member to include his remarks to the section to which we are speaking, which was section 32.

Have you got another one?

**Mr Pouliot:** Mr Chairman, with respect, I do have a point of order on the same subject matter. As a layperson from northwestern Ontario, I have over the past five years become accustomed to a battle, at a rather questionable intellectual level, but nevertheless a battle of lawyers. They seem to wish to outdo one another in lining up and yet lose relevancy in their prelude. But I was refreshed this afternoon, and I try to be unbiased, to have the member for Welland-Thorold stick meticulously and almost religiously to the subject matter being addressed, but to be under a state of siege on a constant basis by virtue, by reason of your kindness and tolerance, when members of the majority party of the Legislature make it their obligation and their duty, to obvious embarrassment, to interrupt the member.

I am here in a learning process. I am here to learn and try to contribute in a very humble but very sincere capacity. I for one have a great deal of difficulty remaining patient while my distinguished colleague is proposing amendments that

would work, that are simple and that try to accelerate and expedite the process.

**The Second Deputy Chair:** Speaking to the point of order—

**Mr Sterling:** Mr Chairman, on a point of order—

**The Second Deputy Chair:** I did not even speak.

**Mr Sterling:** I think the process whereby this bill got to the Legislature at this stage is extremely important, for people to understand what has gone on. The member for Welland-Thorold is pointing that out in response to the parliamentary assistant raising the issue. He raised the issue because he was not there. He was not the parliamentary assistant when this bill passed.

Therefore, the member for Welland-Thorold is trying to enlighten the parliamentary assistant as to why there is so much concern in the legal community, with our justices, with the Supreme Court justices of Canada concerned about various issues in this bill and why they have not been brought to the fore. That is why I think it is very relevant to the debate for the member for Welland-Thorold to bring this to the attention of the parliamentary assistant, because he is not aware of what happened.

**The Second Deputy Chair:** Order, please. I would say of the honourable member, for whom I have nothing but the utmost respect, that there are ways of trying to get one's point across, if from time to time one would at least speak to the section. I was trying to indicate to the honourable member for Welland-Thorold that in accordance with what the honourable member for Scarborough Centre (Miss Nicholas) had indicated, I thought he was a trifle off the mark in terms of discussion of section 32, and as enlightening as the process was in the past, for all to have heard explained now, it is inappropriate. I would ask the honourable member to restrain his remarks to section 32 as best as he can.

**Mr Kormos:** Mr Chairman, I will. But I do want to give the parliamentary assistant an opportunity to retract what he said earlier before people out there watching and listening to this reach the conclusion that he does not know what he is talking about, because he talks about an open process in committee that just was not there. It was not there. The reason I want to give him the opportunity is that now he should have a chance to do that before people think ill of him.

Earl Levy, president of the Criminal Lawyers Association, wrote this letter to the committee: "I

regret that the time frame for any response by the Criminal Lawyers Association, as set out in your letter of June 23"—That is the kind of time frame we are talking about. They are called upon less than one month after a letter is sent to them on 23 June, in the middle of summer when people are rightly taking their vacations and that sort of thing—"as set out in your letter of June 23 is impractical. This matter would have to be discussed before our governing body, a number of whom are not available during the summer period. Even if available, I doubt very much that we can meet your time requirements."

Earl Levy is not alone in that. He was not the only person, and if he was, we perhaps would have—Peter Jarvis, Harvey Bliss along with Earl Levy, leading members of the—

**The Second Deputy Chair:** I think my patience has been tried as best as possible. I think the honourable member in the most adept way he can has certainly got his point across. On the other hand, he has not been speaking to the section. He is leading up to it. We are waiting for the leading up to it.

**Miss Nicholas:** What section are we talking about?

**The Second Deputy Chair:** Section 32 is the last—

**Mr Kormos:** She has not even been listening. She does not know.

**The Second Deputy Chair:** Section 32, I say to the member.

**Mr Kormos:** I know what section we were talking about, Mr Chairman.

**The Second Deputy Chair:** You did not even mention it.

**Mr Kormos:** What we are addressing is the whole issue of the need to discuss these things on a section-by-section basis. The fact is that people across Ontario were denied an opportunity to review these during the course of committee. Hopefully, that is why we have committee of the whole right here and now. It is not only a right of members to question the parliamentary assistant about what we have been told by some very learned people and groups of people in our province and our country—it is going to be bad news; no two ways about it. The Chief Justice of Canada has as much as said so. A whole bunch of other people here in Ontario, district court judges, Supreme Court judges, leading members of the bar have said so, and they were not given a chance to comment on it. The government should be expecting this section-by-section, subsection-by-subsection, phrase-by-phrase, clause-by-



clause questioning of the parliamentary assistant about the legislation.

**Miss Nicholas:** On a point of order, Mr Chairman.

**The Second Deputy Chair:** We have another point of order from the honourable member for Scarborough Centre.

**Miss Nicholas:** Actually, it is the same point of order. I still failed to find out what section it is that the member is addressing. We would be more than pleased to listen to his comments about a section, but I think you have already made a ruling and the ruling was that we stick to the sections and perhaps not to the process.

**The Second Deputy Chair:** I acknowledge the honourable member's point of order and actually agree with her. I say to the honourable member for Welland-Thorold that you are rambling an awful lot and I would ask if you would just centre back in on the section that we were supposed to be examining, which is section 32 of the Courts of Justice Amendment Act.

**Mr Kormos:** Me ramble, Mr Chairman? In any event, of course we are talking about section 32. What we are talking about are the sections—and I do not know why that member for Scarborough Centre—

**Miss Nicholas:** Scarborough Centre.

**1650**

**Mr Kormos:** I know the member is from Scarborough Centre. If she had been following, she would have known we were at section 32.

In any event, indeed we are talking about section 32. We are talking about those sections that concern themselves with small claims courts. We are talking about the failure of this legislation, be it in section 31 or section 32, to bring speedy redress to thousands of litigants in Ontario who need access to places like small claims courts. Indeed, we are talking about Niagara Peninsula jurisdictions, in Niagara south and Niagara north, that are being serviced as well as they can be by very limited staff.

We are talking about what this legislation does not do in any way, shape or form. Part of the rationale for the legislation, including sections 31 and 32, is that somehow there is the impression—people are trying real hard to create this impression; the smoke and the mirrors are just waving in the wind—people are trying to create the impression that this is going to make access to courtrooms easier for people. It does not change the fundamental problems. It does not change the problems of numbers of judges, be it in district court or High Court or at provincial

court level. It does not change the numbers of courtrooms available.

Those are some of the real problems that are reflected in the inaccessibility to courts and the lengthy and expensive and painful waiting lists for litigants, be it at the Small Claims Court level, civil division, or at the district court or Supreme Court levels.

There is nothing about the—well, not even magical words in here, the secularization of a bench. There is nothing about that that is going to increase the number of judges. There is nothing about section 32 that is going to increase the number of staff available to process the claims of—well, Small Claims Court, provincial court (civil division) or provincial court (criminal division) litigants.

That is what people are complaining about in communities from one end of the province to the other. They want to have their day in court. They want to use the courts to seek redress, but the backlogs, the unavailability of judges at all levels, the unavailability of courtroom space at all levels is what is interfering with that, impairing that. There is nothing magical about sections 31 and 32. They are not going to solve the problem. It is juggling facts—really, it is juggling facts when you look at sections 31 and 32—and does not provide any resolution whatsoever.

You see, the government talks about its pilot projects. It gave people in the city of Toronto an opportunity to have access to Small Claims Court with a jurisdiction in excess of the rest of the province. The government could have very easily and speedily generated small claims courts, provincial court (civil division) across Ontario with the same limits on jurisdiction, the same \$3,000 limit on jurisdiction—or more, as it probably should be.

The government talks about the need to retain the power to regulate that. Once again, we are not talking about complex or unwieldy legislation. We are talking about legislation that could be presented and passed in such short order; that is to say, legislation increasing the jurisdiction, or, more important and more fundamental right now, legislation ensuring that people across Ontario have the same access to a Small Claims Court system as is available to Torontonians.

So this misses the mark. It does not even hit the target. Section 32 of this bill is a crock. This does not fly. It does not even come close to flying.

**The Second Deputy Chair:** Are there any further comments or concerns about section 32? Moving along with great rapidity, are there any

concerns with any section prior to the member for Carleton's proposed amendment? Do you have any questions, or are you going to propose your amendment to section 35?

**Mr Sterling:** Mr Chairman, I apologize to other members. The amendment is actually section 36. Through a typing error, section 35 was put in there.

**The Second Deputy Chair:** Mr Sterling moves that subsection 36(1) of the act, as set out in section 2 of the bill, be amended by adding at the end "and may reassign a judge from one region to another."

**Mr Sterling:** This is going along with the other amendment which I placed to make it clear within the act that the Chief Justice of the Ontario court has the right to reassign judges from one region to the other. It is really a clarity of the legislation.

**Mr Polsinelli:** I agree with the member for Carleton. This is complementary to the other amendment that we accepted, and we will also be accepting this one.

**The Second Deputy Chair:** The honourable member has proposed an amendment to section 36. I can only presume there were no concerns about section 35. I want to make sure all members have the opportunity for full discussion.

The member has proposed an amendment that subsection 36(1) of the said as set out in section 2 of the bill be amended by adding at the end "and may reassign a judge from one region to another."

Motion agreed to.

Section 2, as amended, agreed to.

Section 3:

**The Second Deputy Chair:** I notice the honourable member for Carleton has proposed further amendments. Is section 92 your next proposed section? Would it be appropriate to inquire if any members have any concerns about any of the sections prior to 92? There appears none, so if we might with great rapidity find section 92.

**Mr Sterling:** If you would allow me a little latitude here, the amendment which I have put forward is quite long in words. It does three things. Basically, it changes the name of the committee which is going to be set up in Ontario and in each region from a management committee to an advisory committee, so there is a change in the name of the committee. That was thought to be very important by the bar and by people

who are involved with the justice system, because the word "management" connotes the ability of people who are not on the bench to control what the bench is going to do that day or in the future. That is the first point.

The second point in this amendment, which I will read perhaps after comments by the parliamentary assistant, the second area of concern is the makeup of these committees. As presently outlined in subsection 92(1) of the bill—and I will talk about the regional committees later; this is the overall province-wide committee—the committee is made up of 16 people. Only four of those people are judges. There is a concern by the bar, the Advocates' Society, the Canadian Bar Association, that the judges should have at least as many members on that committee as other people, be they laypeople or whatever.

Under the present bill, there are four judges; four representatives of the Attorney General's department; there are two barristers from the Law Society of Upper Canada and two barristers and solicitors appointed by the presidents of the county and district law associations; four other people would presumably be lay people who would be on that committee, administrators perhaps, or some other people.

#### 1700

So you have 16—four judges. My amendment on this section, and my subsequent amendment dealing with the eight different regions, deal with the same issue. I even off the number of judges with the other appointees, because I would like to see the judges have control of that committee, so we would be certain that people other than judges would not be in a position to control what the courts are doing in our province. In the words of the parliamentary assistant, it is trying to retain the independence of the judiciary as to what happens in the courts across the province of Ontario.

The other and more minor amendment deals with the barristers and solicitors who are appointed. For, I believe, political reasons, the Attorney General has split up the appointments with regard to the barristers and solicitors. He has divided the appointments between the Law Society of Upper Canada and the county and district law associations.

I believe that by splitting up those appointments we are not doing the law society or the barristers and solicitors any favours. The Law Society of Upper Canada represents all lawyers across Ontario, both those in these associations and outside these associations. My amendment deals with that particular problem, as well.



The amendment deals with basically three things: the name of the committee, the makeup of the committee in numbers, and, third, in a more minor way, the makeup of how the barristers and solicitors are chosen.

I would invite the parliamentary assistant to comment. If the amendment were put and defeated, then I would perhaps propose other amendments which would deal individually with those three thrusts.

**Mr Polsinelli:** Perhaps we can deal individually with the three points that have been raised by the member for Carleton, the first one being the name of the committee. We could support an amendment changing the name to a management advisory committee. I do not think we have any great problem with that.

In terms of the makeup of the committee, however, one of the cornerstones of Bill 2 is that we take a co-operative approach to the management of the courts with a basis that there are four equal and independent partners, one of the partners being obviously the bench, the judiciary, another being the bar, the third being the Ministry of the Attorney General, in which the crown attorney's office would fall, and the fourth partner being the public. As I say, it is a cornerstone of the bill that they are four equal and independent partners.

What the member's amendment would do is change the structure of the committee so that we no longer would have four equal partners; we would have a majority of the judicial branch representing the majority in the committee and having control. That would cut away at the cornerstone of the bill. For that reason, we cannot support that aspect of it. To reinforce the concept of the four equal partners, we also have a rotating chair. That is why we have the section of the bill that requires the chair to rotate on an annual basis.

I have been handed a note here from our capable staff. In terms of the split, I was not quite sure why there was a split on the appointments of the bar, between the law society and the county and district courts. The county and district courts are locally focused groups which are the acknowledged group representing local concerns of the bar outside of Toronto. I guess that is the rationale as to why you would have the county and district presidents. The Law Society of Upper Canada is more centrally focused in Toronto or has the more global provincial perspective and is not as locally centred and not so concerned with local issues.

As Mr Perkins from the ministry points out, this is the rationale as to why the Attorney General ended up having that split in terms of the representation from the bar. Now that I read it, it seems to make a lot of sense in that the member wants to have representation from the areas outside of Metropolitan Toronto and he also wants to have the Metro perspective on this management committee.

If the amendment were placed, we could not support it. However, if he were to place an amendment to change the name of the committee to a management advisory committee, we would be prepared to support that amendment.

**Mr Sterling:** Under subsection 3 of this section it says, "The function of the committee is to consider and recommend to the appropriate authority policies and procedures...to promote the better administration of justice and the effective use of resources, including judicial and other personnel in the public interest."

What happens if there is a dispute between the judiciary, the four members of this committee and the 12 others, as to what is going to happen in the courts? If the other 12 override the wishes of the judicial members on that committee, judges, does he not think he is interfering in the judicial system? I do not understand his rationale on that.

**Mr Polsinelli:** The committee is an advisory committee, so that if the majority of the committee recommends to the judiciary something the judges do not agree with, they are an independent element of the whole system and they have the right to say no. If the judiciary members do not agree with the recommendation from the management committee, they could quite simply say no.

**Mr Sterling:** I am a member of the Law Society of Upper Canada and I am also a member of the Carleton County Law Association, which they still call themselves even though it is the regional municipality of Ottawa-Carleton. I do not understand why it is necessary for the Attorney General to drive a wedge between the presidents of the county and district law associations and the Law Society of Upper Canada. I do not believe this overall committee—which is made up, I hope, of very high calibre people—will carry with it the kind of prejudice which is insinuated in the legislation as proposed.

I would trust that my brethren from Toronto, in terms of how they run the courts, would be fair in terms of advising the judges as to how the judiciary should be dealt with. The parliamentary assistant can be certain that each of the regional advisory committees, as I hope they are called,

would in essence fight back with regard to this general committee if, in fact, it stepped out of line to a large degree.

I think it is unnecessary to distinguish between two and two being chosen by the law society and the presidents of the county and district law association, and the parliamentary assistant is inviting discontent between those two groups. I as a member of the bar from eastern Ontario do not feel threatened that the law society should pick those four representatives. We have benchers on the law society, people who are, in effect, on the executive of the Law Society of Upper Canada, who come from outside of the city of Toronto, Metropolitan Toronto, the county of York, and I have no reason to believe that I would not be dealt with fairly in terms of choosing these people. I do not understand the reasoning here.

The other point I would like to ask about is, is the name the Ontario Courts Advisory Committee acceptable to the parliamentary assistant or is the word "management" necessary in his view?

1710

**Mr Polsinelli:** We do not feel that in fact this legislation or this committee will drive a wedge between the law society and the county and district presidents. What we are trying to do is to ensure that what we would have on this committee is an assurance of representation from outside of Metropolitan Toronto. We think the requirement that the county and district presidents appoint two members of the committee provides us with a greater degree of having that assurance.

The county and district presidents could always agree with the Law Society of Upper Canada as to who the four appointees are, in which case our exercise is futile.

In terms of the name of the committee, the Attorney General feels that if the name is changed, the committee should be called a management advisory committee.

**Mr Sterling:** I am going to put the total amendment in place, because I have gone to the trouble of having it drafted by legislative counsel and I think it should be there for the record.

**The First Deputy Chair:** Mr Sterling moves that subsections 92(1) and 92(2) of the act as set out in section 3 of the bill be struck out and the following substituted:

"(1) There shall be a committee, known as the Ontario Courts Advisory Committee, composed of,

"(a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Judge of the

Ontario Court and the Chief Judge of the Ontario Court (Provincial Division);

"(b) four judges appointed by the Chief Justice of Ontario and four judges appointed by the Chief Judge of the Ontario Court;

"(c) the Attorney General, the Deputy Attorney General, the Assistant Deputy Attorney General responsible for courts administration and the Assistant Deputy Attorney General responsible for criminal law;

"(d) four barristers and solicitors appointed by the benchers of the Law Society of Upper Canada;

"(e) not more than four other persons, appointed by the Attorney General with the concurrence of,

"(i) all of the judges mentioned in clause (a), and

"(ii) all of the barristers and solicitors appointed under clause (c).

"(2) The Chief Justice of Ontario or a judge designated by the Chief Justice of Ontario shall preside over meetings of the committee.

"(2a) Each of the members of the Ontario Courts Advisory Committee appointed under clause (1)(d) and (e) shall hold office for a period of three years and the members are not eligible for reappointment.

"(2b) Despite subsection (2a), the first persons appointed under clause (1)(d) and (e) shall be appointed for five-year unrenowable terms and the second persons appointed under those clauses shall be appointed for four-year unrenowable terms."

**Mr Sterling:** In addition to the points I raised, and I will not repeat those points, this amendment includes the provision that the Chief Justice of Ontario or a judge shall preside or chair this management advisory committee or advisory committee, as we will name it in a subsequent amendment.

It also provides that there be a rotation of the people appointed to this committee. The structure has been drawn up by legislative counsel, Ms Baldwin, to allow that the first appointees go on a staggered basis so that there is experience over the period of time.

In that the parliamentary assistant has not commented with regard to those specific amendments, I would invite his comment with regard to the chairmanship and the rotation of members.

**Mr Polsinelli:** The term "membership" is probably something that is desirable for the most part, but we feel that a rigid, three-year nonrenowable term can end up being impractical, especially in some of the smaller regions; the one



that I have in my notes here is the northwest region. We felt it would be better to leave the term and renewability up to the appointing bodies.

In terms of the rotating chair, I think the rotating chair reinforces perhaps one of the cornerstones of the bill, that the management of the court system should be a co-operative management system with four equal partners, and if you have one of the partners having the chair, you are cutting away at the whole cornerstone, the whole concept of the four equal partners. We maintain that we should have a rotating chair. We cannot support that amendment.

**Mr Sterling:** The parliamentary assistant is perhaps confusing this amendment with one which I will propose later dealing with the regional advisory committees. This amendment deals with the overall Ontario committee.

I find his argument with regard to the lack of appointees available somewhat lacking. Therefore, perhaps he would accept that amendment with regard to the overall appointment of the Ontario advisory committee, but he may not accept the amendment with regard to the regional advisory committees.

I also point out to the parliamentary assistant, notwithstanding there may be some desire to reappoint people in smaller areas on the regional committees, there is a need, I believe, in clear, unequivocal terms, to tell people when their appointment time is up and when in fact it is done. There has been a practice, unfortunately, within this present government to be very unkind to some of its appointees in not notifying them in advance whether they were going to be reappointed or not reappointed. Therefore, it is our position that it would be better to spell it out in legislation and that, therefore, it would not be necessary for anybody to say, "You are no longer appointed." The appointments tend to carry on and on and on.

I believe that if the government is going to formulate the committee as the member had put forward, it would be necessary to breathe new life into the committee and this would be assured by accepting at least that part of the amendment.

**Mr Polsinelli:** I have no disagreement with the logic that is used by the member; it is eminently logical. The fact of having new blood, new vigour, in committees is something that each committee should search for itself. It is something that perhaps we can consider for a future amendment. I would think, though, that at this point what we would like to do is see the system

put into place and the recommendation that has been made by the member for Carleton in terms of the term "membership" is a good one and is something that should be considered seriously by the ministry in terms of future proposals for this bill.

**The Chair:** Is it the pleasure of the committee that the motion carry?

All those in favour of Mr Sterling's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr Sterling:** I move that subsection 92(1) of the act as set out in section 3 of the bill be amended by striking out "management" in the second line and inserting in lieu thereof "management advisory."

1720

**The Chair:** Mr Sterling moves that subsection 92b(1) of the act, as set out in section 3 of the bill, be amended by striking out "management" in the second line and inserting in lieu thereof "management advisory."

**Mr Sterling:** I would have preferred an amendment that would have excluded the word "management," but accept the fact that the parliamentary assistant is willing to accept that this committee will be called a management advisory committee; the concern of the bar being that it is an advisory nature and does not have a binding effect on our judges as to how the courts will, in essence, be run in the final decision.

**Mr Polsinelli:** We are prepared to accept that amendment. It has been pointed out that we presently have an Ontario courts advisory council, which consists entirely of judges, and we do not want the committee under section 92 to have too similar a name, so the Ontario courts management advisory committee is distinctively different enough to the Ontario courts advisory council.

**Mr Sterling:** The first good piece of logic that has been used all afternoon by the parliamentary assistant.

**The Chair:** Things are looking up.

Motion agreed to.

**Mr Sterling:** The parliamentary assistant has in front of him amendments which would deal with subsections 92b(1) and 92b(2) of the act. They are dealing with basically the same issues on a regional basis. Under this bill, there are a number of court management committees in each of the eight regions. We have just dealt with the

overall Ontario one, and subsections 92b(1) and 92b(2) of this act deal with the regions. Before I put forward this particular amendment, I would just invite the comments of the parliamentary assistant. They deal with, in essence, the same issues in terms of the structure of the committee and the chairmanship of the committee.

**Mr Polsinelli:** My comments are quite similar to the comments that were made in terms of the previous amendment, with the addition that the requirement to consider geographic diversity and field of practice for bar members generally is desirable, but again we feel that it is unduly rigid to write it into the legislation and may be completely impractical in the smaller regions of the province.

**Mr Sterling:** I am not going to introduce the amendment which I originally had slated dealing with the structure of those committees as it is not going to be accepted, obviously, by the parliamentary assistant, and thereby the government side which has the majority of the votes in the Legislature this afternoon.

**The Chair:** Mr Sterling moves that subsection 92b(1) of the act, as set out in section 3 of the bill, be amended by striking out "management" in the second line and inserting in lieu thereof "management advisory."

**Mr Sterling:** Which is slightly different from the written copy you have received.

**The Chair:** It reads as set out in section 3 of the act and not the bill. It should be section 3 of the bill; correct?

**Mr Sterling:** Section 3 of the bill.

**The Chair:** So let me read this and you two can follow me.

Mr Sterling moves that subsection 92b(1) of the act, as set out in section 3 of the bill, be amended by striking out the word "management" in the second line and inserting in lieu thereof "management advisory." Correct? Would the member for Carleton have a further statement?

**Mr Sterling:** The intent of this amendment is the same as the other, in dealing with the overall Ontario management advisory committee. Under 92b(1) the committee is called a regional courts management committee, as Bill 2 now stands. This amendment would in effect change those words to "regional courts management advisory committee," therefor ensuring that it is clear in the legislation that the judges ultimately have the final say in how their courtrooms are run.

As I mentioned before I would have preferred that the structure of the committee, which is comprised of eight people in each region, two

judges and six others, would have equally been distributed between judges and other people. However, that is not acceptable to the government and the addition of the word "advisory" will make it clear, I hope to all concerned, that the judges do have the final say.

**Mr Polsinelli:** My comments are the same as in terms of the previous amendment that was placed along these lines. We will be supporting this.

**The Chair:** Are we ready to vote on that one? I will have some explanation for you afterwards. Maybe I should tell you now, because what I have here are two proposed amendments, one to 92(1) of the act and one to 92b(1) of the act. What we carried a little while ago was 92b(1), which is what was sent over.

**Mr Polsinelli:** Was that not to 92(1)?

**The Chair:** Section 92b(1), believe it or not.

**Mr Polsinelli:** The copy that I have is 92(1). So it could be that—

**The Chair:** That is why I said three heads are always better than two and when I re-read it, why you should follow with me to make sure that what you have was the same as me, which obviously now it was not.

**M. Sterling :** Ce n'est pas important, Monsieur le Président.

I want to amend both and they have both been accepted, so we have now amended, according to you, Mr Chairman, 92b(1)?

**The Chair:** That is what we did the first time around. That is what I read.

**Mr Sterling:** Then this is an amendment to section 92(1).

**The Chair:** Right, but it is not what I just read, because I have not read 92(1) yet, in theory and in reality.

**Mr Sterling:** Then I guess you should read it.

**The Chair:** That is right, and adopt it. Actually, what I will do to make sure for the sake of the record, to make sure that everybody goes home very happy tonight, I shall read them both again and we shall adopt them both. I will read both, just for the record, so that whether you sleep in Toronto or Carleton tonight you will be very happy.

Mr Sterling moves that subsection 92(1) of the act, as set out in section 3 of the bill, be amended by striking out the word "management" in the second line and inserting in lieu thereof "management advisory."

Motion agreed to.



**The Chair:** The second one.

Mr Sterling moves that subsection 92b(1) of the act, as set out in section 3 of the bill, be amended by striking out the word "management" in the second line and inserting in lieu thereof "management advisory."

Motion agreed to.

**The Chair:** Nothing like doing things right.

**Mr Sterling:** I am glad somebody is in charge here, Mr Chairman.

1730

**The Chair:** Mr Sterling moves that section 93 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(3) In assigning cases to individual judges, the judge who has authority to supervise and direct judicial duties may assign particular judges to cases in particular specialized areas of law."

Would the member for Carleton have an opening statement, please?

**Mr Sterling:** This subsection is deemed needed in order to make certain that there are certain specialties which are areas of laws which are not normally encountered by the bench and, therefore, this gives the opportunity to move those judges into areas when the specialized law or knowledge of that law is required. It is basically giving, I guess, more discretion to the supervising judge.

**Mr Polsinelli:** We have no qualms with the logic. However, we feel that the power is already there in terms of specialized assignments, that the judiciary does do that now and that it is not necessary to amend the bill to give him that additional power. In any event, it is again one of those items where we would hate to put into legislation a particular clause that would tell the judiciary how to assign their cases. While it is permissive and while they do have that power, telling them that they may do that again touches on that aspect of judicial independence and we would rather stay away from it.

But the point is that we think it is a good power that the judges have in determining which of their peers hear the particular cases and they already have that power and authority, and they will have that under the legislation.

**Mr Kormos:** I appreciate the amendment that is made and I appreciate the parliamentary assistant's response to that. However, I am interested in understanding whether indeed that was understood by many people, including some judges, district court judges, about the impact or at least the government's intent in presenting this

legislation. This is how it was expressed and that is to say that some judges were concerned that there would be an effort to eliminate any concepts of specialization, particularly by those judges whom we understand now as being district or High Court judges. I appreciate many High Court judges, indeed all High Court judges have jurisdiction through civil and criminal matters. All district court judges have that same jurisdiction. However, the reality of it is, especially it appears among district court judges, that in many jurisdictions there tends to be a specialization developed.

Now if only through the introductory notes that accompanied this legislation either proceeded the legislation back on 1 May or accompanied it when it was first presented, the impression was gotten by some of these people that the purpose of it, among other things, was to get judges rotating.

As I say, that is one of the reasons why I find subsection 3 a useful amendment. I wonder if the parliamentary assistant can comment on that and perhaps he can indicate whether there is a prevailing philosophy in the ministry, and that is to say, is the ministry interested in seeing judges specialize, seeing judges develop criminal expertise as compared to civil litigation expertise, or with this proposed integration of the two levels of bench is the ministry interested in seeing really a homogenized bench, one in which judges do a little bit of everything, perhaps becoming jacks of all trades and masters of none?

**Mr Polsinelli:** The Attorney General in the 1 May announcement spoke in favour of functional specialization. However, that is one of the matters for the judges to work out by themselves and I am sure that they will do that.

In terms of accomplishing what this motion intends to accomplish, the sections of the bill which allow for temporary placement by the chief judge of one judge from one region to another, and even the motion that we accepted from the member for Carleton in terms of the rotation of the judges, I think, will accomplish having the judges in the appropriate region to hear cases in which they may have a particular specialization.

**Mr Kormos:** Additionally, places in the province like Brampton, for instance, have notorious backlogs in provincial courts and indeed in district courts. Certainly, in terms of criminal prosecution and in all likelihood in view of the fact that district judges are doing civil litigation as well, there are similar types of backlogs in civil litigation.

These are parts of the province where there is a focus because of the press, because of the numbers of people living in a densely occupied area like Brampton. How do we control this phenomenon? That is to say, judges from apparently less-dense parts of the province are brought into Brampton to help deal with the Brampton backlog. Now however difficult that might be, you still have to deal with the problem of facilities, physical space for these judges to hold their courts in. You remove a judge out of a jurisdiction that appears to not have, indeed does not have, the backlog that Brampton has; you move him or her down to Brampton to help deal with that notorious backlog, the one that is the thorn in the side of the administration, leaving a jurisdiction without a judge or less one judge, that particular judge who was moved away.

In view of the fact that there is nothing in this legislation that talks about or nothing in the proposal of the government to accompany this legislation that talks about increasing the complement of judges at all levels—and again, this is where the province's hands are tied in terms of the appointment of judges other than provincial judges—in view of the fact that there is not any complementary function that is taking place here to increase the number of judges and increase the number of actual court spaces, section 93 then really becomes academic. How are we going to avoid once again merely borrowing from Philip to pay Paul?

**Mr Polsinelli:** As opposed to borrowing from Peter to pay Paul?

**Mr Kormos:** Quite right.

**Mr Polsinelli:** It is up to the Chief Justice to assign. If we look at section 93, the responsibilities: "The powers and duties of a judge who has authority to supervise and direct the sitting and the assignment of judicial duties of his or her court include the following:....Assigning cases to individual judges."

I think that is what we are talking about here, assigning cases to judges who have a certain specialization. They have the authority to do that now. If there is a judge in a region who has a particular specialization and he is needed in region C, the Chief Justice can move him on a temporary assignment from region A to region C.

If, as in the case that was pointed out by the member for Welland-Thorold, a number of judges are needed in a particular region because they have a particular backlog, then those judges can, at the discretion of the Chief Justice, be moved from other regions to assist in alleviating that backlog.

In terms of the number of judicial appointments that are made, that is perhaps out of my competence to answer. Let me put it to the honourable member that way.

**Mr Kormos:** It requires expanding on that just a little bit because that is exactly the point. Surely the PA appreciates that what is going to happen in an effort—oh, just mere Band-Aid treatment—to cover up the problem is going to be to move judges into places like Brampton to put out fires, using judges as firemen, and what that does is takes a judge away from a jurisdiction. Is he suggesting that there are judges in the province sitting idle now? Of course not. I do not think there is a judge anywhere in the province of Ontario who has not got a significant workload. Indeed, they are the first people to say that they have a significant workload.

So where are these judges going to come from who are being transferred about, short of leaving a jurisdiction without a judge and generating a problem in that jurisdiction to try to solve the problem in another jurisdiction? Really, the fundamental issue is that a number of judges and a number of courtrooms and court facilities are available, and why is that not being addressed as a solution to the problems that are very real for people across Ontario, rather than this stuff which just ends up being mere fluff without any substance when you look at the reality of the situation?

**Mr Polsinelli:** The member for Welland-Thorold knows full well that the number of judges that we have in the province of Ontario is related to two factors. One is the workload that is available for them to do and the other is the federal willingness to appoint judges to the now-existing district courts and Supreme Court. He raised certain issues that merit consideration and merit discussion. I am just having a little bit of trouble relating them back to this particular amendment that has been put forward by the member for Carleton.

1740

**The First Deputy Chair:** Is there any further debate on the matter? Are you ready for the question?

Mr Sterling moves that section 93 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(3) In assigning cases to individual judges, the judge who has authority to supervise and direct judicial duties may assign particular judges to cases in particular specialized areas of the law."



All those in favour of the motion?

**Mr Polsinelli:** Carried.

**The First Deputy Chair:** Carried?

**Mr Polsinelli:** Oh, no.

**The First Deputy Chair:** Let me try it again. Is the motion carried? No. All those in favour?

**Mr Kormos:** On a point of order, Mr Chairman: Is the chair not functus once it had called for a vote? Functus. I know that the parliamentary assistant is familiar with—what more appropriate language to use in the context of discussing this section? But is the chair not functus once it calls the vote and there is a vote? Is it not a matter of, “Try again next time, but too late for now”? I do not know. It is just a point of order.

**The First Deputy Chair:** No, this chair is funky, not functus. We will call them the way they want to vote on them.

**Mr Polsinelli:** Mr Chair, there is a problem, you see. We are being too generous in terms of the number of amendments that we are accepting from the member for Carleton. I was looking at his next amendment which we are going to be accepting, so there was a momentary lapse there.

**The First Deputy Chair:** Fine, we will try it again.

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Motion negatived.

**Mr Kormos:** On a point of order, Mr Chairman: How come last time there was a vote, all the government backbenchers did not say “nay”? I was sure they were here voting on this bill, having read it, being familiar with it, making up their own minds. This leaves the impression now that they are just following, waiting for instructions from the parliamentary assistant. Holy cow, that does not look—

Interjections.

**Mr Kormos:** That does not look very democratic. What that looks like is like is the gaggle of trained seals who look for the master’s voice. It is like that old RCA Victor Victrola thing, the little dog waiting in front of the microphone, saying “His Master’s Voice,” so I will bob my head up and down, or this way, depending on which way I am told to. I am disappointed, Mr Chairman.

**The First Deputy Chair:** I myself am shocked. There does not appear to be—

Interjections.

**The First Deputy Chair:** I do not mean to interrupt any of the members here, but I would like to proceed with the bill, if I could.

Section 3, as amended, agreed to.

**The First Deputy Chair:** There appear not to be any amendments to sections 4 through 8.

Section 4 to 8, inclusive, agreed to.

Section 9:

**Mr Sterling:** I move that subsection 100b(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

“(1) Every judge of the Ontario Court (General Division) and the Unified Family Court may be addressed as ‘Your Honour’ or as (Mr or Mme) Justice (naming the judge).”

**The First Deputy Chair:** Okay. I think we can proceed. I have a slight variation from what the member actually read in the printed copy that is before me.

**Mr Sterling:** There was an error on my part in drafting the original. I did not want to repeal subsection 100b(2) and it was pointed out to me by the parliamentary assistant, after yesterday’s proceedings, that I might not have intended to do that. I believe that just repealing subsection 100b(1) was the intent of my amendment.

**The First Deputy Chair:** Okay, just so that the members are clear.

Mr Sterling moves that subsection 100b(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

“(1) Every judge of the Ontario Court (General Division) and the Unified Family Court may be addressed as ‘Your Honour’ or as (Mr or Mme) Justice (naming the judge).”

Any comments on the amendment?

**Mr Polsinelli:** We concur with that amendment.

Motion agreed to.

**The First Deputy Chair:** The next indication of an amendment that I have is to section 32. Is it the pleasure of the House that section 9, as amended, carry?

Section 9, as amended, agreed to.

Sections 10 to 32, inclusive, agreed to.

**The First Deputy Chair:** The amendment that we have from Mr Sterling is now on section 32a of the bill. Proceed.

**Mr Sterling:** I have two amendments: one on section 32a of the bill and one on section 32b of the bill. The amendment to section 32a of the bill, since I was not favoured with the amendment that I proposed earlier, does not have any

relevance and, therefore, I will not be placing it. Section 32b is an amendment I wish to put forward.

**The First Deputy Chair:** To be clear, you are removing your amendment on section 32a.

**Mr Sterling:** Yes.

**The First Deputy Chair:** We can proceed then to the amendment that you have proposed on section 32b.

Mr Sterling moves that the bill be amended by adding the following section:

"32b.(1) Despite this act, the Small Claims Court shall be continued as it was constituted immediately before section 2 of this act is proclaimed and shall have all of the powers and duties that were assigned to it at that time.

"(2) Despite this act, the rules committee of the provincial court (civil division) shall be continued as the rules committee of the Small Claims Court as it was constituted immediately before section 2 of this act is proclaimed and shall have all of the powers and duties that were assigned to it at that time.

"(3) The Small Claims Court,

"(a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed the greater of \$3000 or the prescribed amount exclusive of interest and costs; and

"(b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed the greater of \$3000 or the prescribed amount.

"(4) Subsections (1), (2) and (3) are repealed 730 days after section 2 comes into force."

**Mr Sterling:** This amendment deals to a very large degree with the constitutional issues that have been raised with regard to the bill. My friend the member for Welland-Thorold mentioned before that there was a significant problem with the constitutionality of this bill, or there were people who were alleging that there is a problem with the constitutionality of this bill. This amendment deals with the effects of this legislation.

As this legislation now is constituted, the provincial court (civil division), the Small Claims Court, immediately becomes a branch of the General Division or the Supreme Court of Ontario. Those judges have been appointed by the province and have not been appointed by the federal government. The intent of this bill is to elevate those judges to a higher position, to be part of what we now know as the Supreme Court or the district court.

It is unclear at this time what the constitutionality of this provision is. Does the provincial government have the right, by legislation, to elevate these judges to that position? There are many who would argue they do not have that right and therefore call into question at least this section of the bill.

## 1750

There are other problems associated with the bill as it now stands. There has not been to my knowledge an assessment of the merger of these two courts undertaken by the Attorney General. Also, there has not been an assessment of what impact this merger will have on the unrepresented litigant in a civil court case. I think the concern here is that we have a situation where we have an elevation of the small claims court effectively into the Supreme Court structure. We do not know how the litigant who comes to the Supreme Court and wants his case tried in the Small Claims Court is going to be dealt with and how the public is going to react to this.

I guess the more important argument or the more important concern is the one raised by the member for Welland-Thorold, and that is whether this section is constitutionally valid and whether it will affect other parts of the bill.

Subsection 4 essentially kicks this part of the bill into effect some two years after the bill comes into force, section 2 of the bill. What it does is give an opportunity to first of all study the impact of merging the small claims court into the higher court and give a two-year opportunity to look at the constitutionality of section 2 of this bill, which is the heart and soul of this legislation.

**Mr Polsinelli:** We appreciate that there was some concern with the constitutionality of that provision in the bill as initially drafted. However, when we went to the standing committee on administration of justice, there were two sections that were changed, section 21 and section 23, which effectively did not make the provincial judges who are now serving in the civil division, that is, the small claims court judges, members of the general division of the new court system.

Rather what it did is it allowed the small claims court judges to sit in that division in order to hear certain types of cases. I should point out that both the provincial and the federal constitutional advisers are satisfied that those two amendments eliminated any question of the constitutionality problem.

**Mr Kormos:** That is real easy for the parliamentary assistant to say. In response, I guess you could say, so what? once again. I do not understand. In a letter dated 28 September,



the Chief Justice of the Supreme Court of Canada raises some of his concerns about, among other things it would appear, the constitutionality of it. What the smart amendment of the member for Carleton does is protect those litigants, in this instance, small claims court, provincial court (civil division), from the cost and delay that would be inherent in a constitutional challenge imposed on them.

This is called erring on the side of caution. Really, the parliamentary assistant and his colleagues are the last people in the world to call themselves perfect. We know that and the people of Ontario know that. They have had advice from all sorts of people telling them that even though they say the problems have been solved, they have not been.

It is more than pompous; it is arrogant. It is careless, negligent and reckless for those guys to claim that with a few ticky-tacky little amendments they have solved the problem when people such as the Chief Justice of Canada, Mr Justice Dickson, say, "No, I still have some serious problems."

For the member to show such incredible disdain for those litigants who are going to get caught up in that incredibly expensive process is shameful. It is really pathetic. I am starting to get more cynical and more suspicious as the months, days and hours go by. I am looking for the real motive here. I am looking for the real agenda. I am wondering why those guys are so anxious to ram this shabby, shoddy business through. I am not suggesting gross ulterior motives, but I am suggesting motivation that certainly has not been expressed either in committee or here. Otherwise, they would not be so interesting in speeding the process and ramming it through as they have.

The amendment proposed protects little people. It protects small claims court litigants, little people trying to collect small amounts of money. Maybe to some of the members opposite it is not a big deal, but where I come from, for little people trying to recover small amounts of money that is a big deal. This amendment is designed to protect them from the litigation, the constitutional challenges that are undoubted and which they have been warned about.

The cannot cry foul when that happens, because they have been warned and warned time and time again. They have been warned by people from the Conservative Party, by the member for Carleton. They have been warned by

people from the New Democratic Party. They have been warned by district court judges. They have been warned by leading members of the bar here in Ontario. Now, as recently as 28 September, long after the little amendments of the parliamentary assistant, the Chief Justice of Canada still says, "We've got some concerns."

**Mr Polsinelli:** The member for Welland-Thorold has on a number of occasions referred to a letter received from Chief Justice Dickson. Perhaps he would care to reread that this evening. I point out to the House those areas that deal with the constitutionality of the small claims court amendments. He may find that letter does not deal with this particular amendment. The constitutional question in terms of the small claims court amendments have been made. The amendments to the bill were made once we received the objections and initial queries. He should reread sections 21 and 23. Again, I give him the advice that our constitutional advisers and the federal constitutional advisers find that it is now in order.

**Mr Kormos:** Once again, that is easy for him to say. I would not expect him to say anything different. He is guy trying to peddle off some 1962 Chevy whose odometer has been turned over a couple of times. He is going to try to impress us with the Biblical tracts underneath the passenger side of the front seat.

What else is he supposed to say? He is trying to cover up and patch up some less than desirable works here. He is trying to sell a bill of goods. It is incredible. The Minister of Consumer and Commercial Relations (Mr Sorbara) was talking about consumer protection earlier. Why do they not start with the Ministry of the Attorney General, because Lord knows, the odometer has been turned back.

In any event, all the amendment does is protect those people on that slight chance—perhaps he is a holy man—that the parliamentary assistant is wrong about the effect of those amendments. They do not solve the problem. He should know better than that.

**The First Deputy Chair:** Is the House ready for the question on this matter?

**Mr Sterling:** No, I would like to adjourn the debate.

On motion by Mr Polsinelli, the committee of the whole reported progress.

The House adjourned at 1800.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## LIFE SUPPORT GRANTS

**88. Mr Eves:** Would the Minister of Health table a list of the life support grants provided to hospitals by the ministry since 1 April 1985? [Tabled 4 May 1989]

**Hon Mrs Caplan:** The funding provided to hospitals through the life support grants since 1 April 1985 is shown on the following tables:

**Life support funding  
1985/86-1988/89**

<b>Hospital</b>	<b>1985/86 Funding</b>	<b>1986/87 Funding</b>	<b>1987/88 Funding</b>	<b>1988/89 Funding</b>
Ajax	0	0	7,700	0
Barrie	76,500	81,800	0	0
Belleville	0	8,400	10,300	0
Brampton	0	3,200	6,450	56,800
Brantford General	4,600	2,700	38,750	28,400
Brantford St Joseph's	0	315,850	2,100	12,500
Brockville St Vincent	0	5,150	0	6,600
Burlington	207,600	550	500	0
Cambridge	5,900	1,400	0	95,700
Chatham St Joseph's	0	0	0	11,300
Cornwall General	0	23,444	2,900	6,000
Cornwall Hotel Dieu	37,500	0	0	6,000
Etobicoke General	23,700	1,000	1,250	9,000
Fort Frances	13,600	0	0	2,200
Georgetown	600	0	0	0
Guelph General	23,300	0	0	0
Guelph St Joseph's	23,900	6,250	450	0
Hamilton Chedoke McMaster	610,100	120,050	345,100	93,325
Hamilton Civic	412,700	531,250	5,550	107,750
Hamilton St Joseph's	211,800	133,461	788,325	622,868
Humber Memorial	17,200	500	44,350	8,600
Kenora	15,300	0	0	6,000
Kingston General	600	197,294	405,142	2,134,432
Kingston Hotel Dieu	74,800	0	13,500	60,900
Kitchener St Mary's	18,900	6,650	16,900	0
Kitchener Waterloo	127,500	191,600	0	64,300
Lindsay	0	0	5,900	4,600
London St Joseph's	446,200	665,900	563,200	258,900
London University	2,704,200	1,248,205	3,213,007	3,711,750
London Victoria	307,500	653,615	581,000	0
Mississauga	46,500	13,600	79,200	162,500
Newmarket	26,400	16,400	3,200	0
Niagara Falls	0	4,950	0	0
North Bay Civic	0	13,200	172,600	60,400
North Bay St Joseph's	33,500	207,200	94,100	24,300
Oakville	7,900	62,100	850	0
Ontario Cancer Institute	0	0	0	163,112
Orillia	25,900	2,100	31,100	18,800
Oshawa General	27,000	0	61,300	0
Ottawa Civic	865,100	2,221,636	2,776,942	1,866,424
Ottawa CHEO	638,700	925,400	42,300	0
Ottawa General	498,200	1,034,013	526,725	739,046



<b>Hospital</b>	<b>1985/86 Funding</b>	<b>1986/87 Funding</b>	<b>1987/88 Funding</b>	<b>1988/89 Funding</b>
Ottawa Grace	0	5,450	0	0
Ottawa Montfort	0	1,100	0	7,500
Ottawa Riverside	0	0	0	10,900
Ottawa Salv Army	0	0	0	54,200
Owen Sound	0	6,900	14,500	2,900
Pembroke Civic	0	2,600	0	0
Peterborough Civic	3,400	35,600	84,100	0
Peterborough St Joseph's	42,700	0	67,900	0
Red Lake	6,000	0	0	0
Richmond Hill	0	22,200	7,500	0
Sault Ste Marie General	53,400	234,500	0	0
Sault Ste Marie Plummer	336,000	122,400	380,200	128,400
Sarnia General	60,700	119,100	33,600	0
Scarborough Centenary	2,300	28,400	7,900	117,500
Scarborough General	128,800	10,300	76,800	0
Scarborough Grace	0	0	69,300	122,000
Simcoe, Norfolk General	0	1,200	14,450	6,000
St Catharines Hotel Dieu	764,000	192,150	86,850	0
St Thomas Elgin	0	13,100	0	0
Stratford General	0	0	12,100	1,400
Sudbury General	0	132,900	97,500	15,400
Sudbury Laurentian	0	0	0	599,100
Sudbury Memorial	519,500	211,200	0	461,000
Thunder Bay General	231,100	238,300	3,800	0
Thunder Bay McKellar	226,600	1,500	214,100	0
Thunder Bay St Joseph's	13,200	3,300	0	0
Timmins St Mary's	30,600	1,500	0	17,200
Toronto Central	0	0	3,850	0
Toronto Doctors Hosp	12,600	83,050	500	0
Toronto East General	154,500	4,000	3,300	0
Toronto General	1,657,500	950,496	925,643	1,732,442
Toronto Hosp for Sick Kids	486,300	506,500	367,338	168,134
Toronto Mt Sinai	55,900	170,050	263,350	0
Toronto North York Branson	0	82,400	63,600	0
Toronto North York General	1,900	73,400	4,000	41,200
Toronto Northwestern Hosp	9,000	0	26,200	0
Toronto Princess Margaret	111,700	42,691	105,530	0
Toronto Queen Elizabeth	0	0	65,000	0
Toronto Queensway	0	450	2,150	11,500
Toronto St Joseph's HC	37,300	1,900	64,300	0
Toronto St Michael's	864,300	1,087,055	849,512	560,980
Toronto Sunnybrook Med Ctr	393,800	701,100	663,900	466,100
Toronto Wellesley	63,300	24,216	224,400	668,600
Toronto Western	189,600	2,128,128	1,390,953	1,946,183
Toronto Women's College	76,900	0	5,000	0
Trenton	0	5,000	8,000	9,100
Welland	0	12,850	6,750	0
Windsor Hotel Dieu	154,900	0	17,100	0
Windsor Metropolitan	71,500	3,000	0	4,200
Windsor Salv Army Grace	0	0	0	74,500
Windsor Western IODE	50,800	1,100	5,500	0
York Finch	0	5,600	15,700	0
<b>Grand Total</b>	<b>\$14,343,300</b>	<b>\$15,965,554</b>	<b>\$16,092,867</b>	<b>\$17,568,946</b>

## HOUSING PROGRAMS

**179. Mr Harris:** Would the Minister of Housing provide the following information about the convert-to-rent program: (a) the number of loans approved since the program was launched in 1986; (b) the amount of each loan; (c) the number of units under construction; (d) the number of units completed as at 1 May 1989, and (e) the number of units that are suitable for occupation by disabled persons? [Tabled 29 May 1989]

See sessional paper 180.

**180. Mr Harris:** Would the Minister of Housing provide the following information about the low-rise rehabilitation program: (a) the number of loans approved since the program was launched in 1986; (b) the amount of each loan; (c) the name of the landlord and the municipality where the building is located; (d) the number of units under renovation, and (e) the number of units completed as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 181.

**184. Mr Harris:** Would the Minister of Housing provide the following information about the Ontario home renewal program: (a) the number of loans approved since the program was launched in 1987; (b) the amount of each loan; (c) the municipality where each building is located; (d) the number of units under construction, and (e) the number of units completed as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 182.

**185. Mr Harris:** Would the Minister of Housing provide the following information about the Ontario home renewal program for the disabled program: (a) the number of loans approved since the program was launched in 1987; (b) the date of approval for each loan; (c) the amount of each loan; (d) the municipality where each building is located; (e) the number under construction; (f) the number of units completed as at 1 May 1989, and (g) the number of applicants on the waiting list as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 183.

**186. Mr Harris:** Would the Minister of Housing provide the following information about the vacate/create program: (a) the number of grants awarded since the program was launched in 1987 and (b) the number of private market rental units created as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 183.

**188. Mr Harris:** Would the Minister of Housing provide the following information about the federal-provincial nonprofit housing program: (a) the number of units allocated under the program; (b) the names of the nonprofit organizations or municipalities allocated units and the number of units allocated to them; (c) the number of units under construction, and (d) the number of units completed as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 184.

## WASTE MANAGEMENT GRANT

**304. Mrs Marland:** Would the Minister of the Environment clarify whether his announcement of 29 June 1989 of a \$545,000 grant was to the city of Niagara Falls as indicated in the title of his press release or to the riding of Niagara South as indicated in the body of that release, and provide an explanation for the use of the two different names in the release? [Tabled 20 July 1989]

**Hon Mr Bradley:** The city of Niagara Falls received the grant of \$545,000 under the waste management financial assistance program as announced in the headline of a 29 June 1989 news release. The waste management financial assistance program is intended to aid municipalities in establishing or expanding landfill sites, transfer stations and processing facilities in an environmentally sound manner.

When the information in the news release was transmitted from the waste management branch database through the communications branch word processing system, there was a malfunction in the merging process, resulting in Niagara South being substituted for the city of Niagara Falls in the second reference.

Since then the ministry has checked the system to ensure that subsequent merges work properly.

## LICENSED COMMERCIAL FISHERMEN

**308. Mr Pollock:** Would the Minister of Natural Resources provide the number and names of licensed commercial fishermen on Georgian Bay and list their individual quotas? [Tabled 24 July 1989]

**309. Mr Pollock:** Would the Minister of Natural Resources provide the number and names of licensed commercial fishermen on Lake Huron and list their individual quotas? [Tabled 24 July 1989]

**Hon Mrs McLeod:** The attached sheets state the quotas, numbers of fishermen and number of licences for the requested lakes and then lists the names of the licensed commercial fishermen on



those lakes. These sheets do not, however, match the quotas with individual fishermen.

It is our judgement that if we were to provide the quotas of individual fishermen, this would constitute a violation of the personal privacy provisions of the Freedom of Information and Protection of Privacy Act. This is so because possession of such information, when combined with landed fish prices, which are common knowledge in the local area, would enable one to easily determine the approximate income of individual fishermen.

In addition, since the allocated quotas constitute a considerable portion of the assets of most commercial fisherment, this additional aspect of their personal finances would become public knowledge.

The applicable section of the act which governs this situation is clause 21(3)(f), which states that "A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities or creditworthiness."

Georgian Bay quotas (in pounds) by species: walleye, 21,300; chub, 798,859; lake trout, 45,749; yellow perch, 168,821; lake whitefish, 380,029.

Georgian Bay: number of licensed fishermen, 26; number of licences, 43.

Hubert Charlebois, Jerome Charlebois, Chipewa of Nawash, George Cooper, Charles Dampier, Robert and Ross Herbert, William Karwaski, Leonard Lamore, Henry Lepage, William Lotz, Warren Lougheed, Laurier Low, Peter Lowe, Maurice Meneray, Gerry Murphy, Glenn Parr, Gerry Fenner, John Perks, Allan Proulx, Basil Rogue, George Simpson, Ed Tonello, Walter White, Winfried Wiener.

Note: The North Channel is considered to be part of Lake Huron for commercial fishing purposes.

Lake Huron and North Channel quotas (in pounds) by species: walleye, 355,012; chub, 1,246,646; lake trout, 110,816; yellow perch, 845,803; lake whitefish, 3,381,971.

Lake Huron and the North Channel: number of licensed fishermen, 58; number of licences: 89.

Lloyd Aikens, Beausoleil Band Council, Hector Bishop, Allen Bressette, Evald Carlson, Ernest Carlson, Peter Carlson, Philip Carlson, Eddie Carlson, Elmer Carlson, Edwin Carlson, Peter Dean, John Deeg, Roland Edmonstone, Arthur Fordham, Charles Gagnon, Douglas Goodison, Murray Hore, Douglas Huber, Inland Sea Products, William Jackson, Ronald King, Albert La Blance, Steven Lang, Alfred Lee, Jerry Liddle, John Liverance, Loop Fishery Ltd, Dan Macleod, Eldridge McCulligh, Darwin McCulligh, Robert McGraw, Raymond McLay, Wayne Mitchell, Bryan Nyman, Clarence Nyman, Gregory Nyman, Leonard Nyman, Harold Nyman, Vito and Salvatore Peralta, Pilon Fisheries Ltd, Joe Pratas, Andrew Pucovsky, Purdy Fisheries Ltd, George Purvis, Purvis Brothers Ltd, Russell and Delbert Raney, Peter Shigwadja, Stanley Smith, Stanley Telford, Alphonse Trudeau, Don Trudeau, Harvey Trudeau, Peter Trudeau, Jim Vance, Ron Wakegijig, William Wipp.

## RESPONSE TO PETITION

### WASTE MANAGEMENT

Sessional paper P-27, re Keele Valley landfill site:

**Hon Mr Bradley:** Section 15 of the Intervenor Funding Project Act, 1989 states that intervener funding is considered only when "public notice of hearing is first given after the coming into force of this section." Since public notice of the hearing was issued prior to the proclamation of the act on 1 April 1989, the request for intervener funding is not eligible under the act.

Environmental concerns with this proposal were dealt with at a consolidated joint board hearing on 4 October 1989.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
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No. 62

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Wednesday 1 November 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 1 November 1989

The House met at 1332.

Prayers.

## MEMBERS' STATEMENTS

### ROYAL ONTARIO MUSEUM LABOUR DISPUTE

**Mr Mackenzie:** I would like to bring to the attention of the House an increasingly salient issue in labour-management relations today, and that is the issue of part-time workers. Only one month ago we saw this issue raised by the Toronto Transit Commission workers. Now we have a strike at the Royal Ontario Museum, where negotiations have been going on since April. Although the union has been in a legal strike position since July, the workers walked out only on 21 September.

One of the union's key concerns relates to job security. Not only does ROM management want to allow work that is normally being carried out by union members to be taken over by nonunion employees, but it also wants to change a long-standing working arrangement to turn full-time jobs into part-time ones. Initially, management wanted to increase the number of part-time workers from under 30 per cent to 49 per cent of the bargaining unit. More important, it wants them to work with no fixed schedules for 20 to 24 hours per week, averaged over a three-month period.

No guarantee has been offered on the minimum number of full-time positions, and all newly hired full-timers would be hired into flexible, nonfixed schedules. Management contends the reason for this is the need to cut costs, and yet figures indicate that more than 70 per cent of overtime actually involved replacement of full-time positions which were vacant due to vacations, leaves of absence, and scheduling and hiring difficulties.

Why should the workers at the ROM have to pay for mismanagement on the part of the board at the ROM?

### SALE OF POPPIES

**Mr Wiseman:** I was appalled, as I believe most Torontonians were, to wake up and hear on the radio this morning that the Toronto Transit

Commission, with a lack of feeling for anything sacred, had banned our veterans from selling poppies at transit stations.

These men and women risked their lives for the freedom that we take for granted today. They have been denied access which they have always had and which the public has grown to expect because someone at the TTC says they are soliciting. One can buy candy, magazines, cigarettes and even lottery tickets at all or most of the stations, but God forbid we should help those who fought so that we can live our lives in peace and prosperity today.

Remembrance Day is just that: a day in which we can remember the debt we owe our veterans. Anything they make from the sale of poppies goes for their betterment and that of their families. One would have thought someone at the TTC would have been bright enough to understand that. Since they are not, I ask that the government, which heavily subsidizes the TTC, demand—not suggest but demand—that this policy be changed at once.

The people of Ontario want compassionate leadership and our veterans deserve it.

### GORDON SANDERSON

**Mrs E. J. Smith:** In a short while, I would invite the members of the Legislature to cast their eyes to the south, but not as far south as the American border.

In the press gallery, we will have a member of the fourth estate whose job it is to report to the public of southwestern Ontario on the august activities of this chamber. Gordon Sanderson of the London Free Press yesterday celebrated his 40th anniversary with that organization.

Forty years will carry many members back to the stage in time before they had much interest in the role of the government or indeed before they had managed to make their own public debut in the form of a birth announcement. These 40 years have encompassed tremendous change and tremendous challenge. The role of the reporter in keeping these changes and these challenges before the public is essential to the democratic process.

Gordon Sanderson has served this role in an exemplary fashion, and on behalf of the people of



southwestern Ontario I wish to thank him, to commend him to the Legislature and to wish him many more productive and exciting years with us.

#### CHRISTIE PARK NURSING HOME

**Ms Bryden:** Last month we were shocked to hear that Mary Dunn, an 81-year-old resident of Christie Park Nursing Home here in Toronto, had been brutally attacked by a fellow resident while reading in the lounge of the home on 3 October. She died in hospital next day from complications brought on by the attack.

I think everyone in the Legislature is appalled by such a tragic incident, but what is more appalling is that no one from the nursing home called the police to investigate a serious assault requiring hospitalization. The home's administrator is quoted in the *Toronto Star* as calling it "a routine matter."

Ministry of Health officials have said that neither the home administrators nor the ministry are obliged to call the police in such an incident. In fact, nursing homes branch officials have given the home a clean bill of health over the handling of the Mary Dunn incident. This is shocking in view of the fact that the Christie Park Nursing Home has a record of violating the Nursing Homes Act regulations 165 times between 1983 and 1988.

How can the ministry go on renewing the home's licence year after year in view of these violations? When will the government keep its election promises to start enforcing the Nursing Homes Act regulations rigorously and bring in security requirements to protect the health and safety of the residents?

#### HOSPITAL BEDS

**Mr McLean:** My statement is directed to the Minister of Health (Mrs Caplan) and it concerns her government's promise to allocate \$850 million for 4,400 acute and chronic care beds in the province of Ontario. Some of those beds were promised for hospitals in the riding of Simcoe East, and her predecessor's announcement that they would be in place by 1990 was greeted with a sigh of relief by hospital officials in Orillia and the Penetanguishene and Midland areas.

But the minister has since let it be known that her government is going to renege on the promise of more hospital beds. In a recent quotation in the *Midland Free Press*, the Minister of Health was quoted as saying: "Quite frankly, I don't see any expansion on the institutional sector.... We're focusing on service and on how we use these

services." The minister recently told the Legislature that beds are no longer the benchmark for services, and that up to 50 per cent of the services currently offered on an inpatient basis could be provided on an outpatient and ambulatory basis.

Even if we accept the minister's rather doubtful assertion that one half of what is being done in hospitals can be done elsewhere and that community care is the answer to bed shortages, I think it would be reasonable to expect that community care services and the outpatient facilities be in place before any reductions in bed spaces occur. The minister knows as well as I do that these services and facilities are not in place, yet she persists in cutting the number of acute and chronic care beds in Ontario.

#### 1340

#### RESTORATION OF LEGISLATIVE BUILDING

**Mr Adams:** The buildings which house this Parliament easily measure up to those which house similar assemblies across North America in terms of history, tradition and atmosphere. Unfortunately, they lag behind many others in terms of their general appearance and standard of upkeep.

I have recently been able to visit the legislative buildings of our neighbouring provinces, Manitoba and Quebec. I was impressed by the state of upkeep of both of these and by the careful modernization which has been undertaken there. This building is both a museum and the hub of a modern, major government. It is a museum not because of the human specimens it contains, but because it is a working depository for the history of democracy in this part of Canada.

Its architecture and the plaques, statues, paintings and other treasures kept in it represent a heritage treasure of incalculable value. I submit that this treasure is not being cared for as it should be. This building is the base of a modern government of more than nine million people, with a budget of \$40 billion. Piecemeal efforts have been made to upgrade the old building to its modern function, with limited success from the point of view of modern government and with detrimental impact on the museum aspects of the building's functions.

We need a long-range strategy for the modernization, enhancement and upkeep of these historic buildings.

#### COURT FACILITIES

**Mr Kormos:** It has happened before and in all likelihood it will happen again. It happened

today, right here in the city of Toronto, at the University Avenue courthouse. Four persons charged with possession of cocaine and conspiracy to traffic in that same drug were dismissed, discharged by district court Judge Borins, not because they were innocent, not because the police had not done their work and collected the evidence, not because the prosecutor was not prepared to prosecute and seek convictions against people and put them in jail where they should be, but because the Attorney General (Mr Scott) does not provide court facilities here in this province and because the judge had no option since it took four and a half years for these people to come to trial because of the inadequate court space available.

It is absolutely outrageous that this should be happening at this point in our history, especially when we are all too aware of the impact that drug traffickers and drug trafficking are having on our community. We are told there is a war against drugs here in Ontario. The question is, what side is the government on? The government might as well be complicitous and be out there with these same folks on the streets peddling this stuff.

These people are walking free out of the courtrooms and not being dealt with because this government does not provide courtroom facilities for these trials to be conducted speedily. Indeed, the preliminary hearing itself took over six months to be reached and then four more years before court space was available to conduct the trial. That is why these people were discharged.

#### NEONATAL CARE

**Mr Jackson:** I hold in my hands a letter from Mrs Karla Evangelisto of Smithville, Ontario, in which she describes for me her shock and dismay when, after spending nine weeks in Chedoke McMaster Hospitals prior to giving birth because of her high-risk pregnancy condition, she was told by doctors her baby daughter would have to be transferred to another hospital in Toronto because of a shortage of nurses at the neonatal intensive care unit.

Karla's baby, Aleda Dawn, suffered from severe respiratory problems which, according to the attending physicians, could have developed complications should she have to be moved. The dedicated nurses at Chedoke McMaster, understanding the serious nature of Aleda Dawn's condition, pushed and shoved to accommodate her so that she could stay at that hospital. Aleda Dawn almost died that night. That she is alive today is testimony to the caring commitment of

the nurses who successfully overcame obstacles presented to them by a neonatal care unit suffering because of government underfunding.

Aleda Dawn should not have had to come that close to losing her life so soon after obtaining it. I say to the Minister of Health (Mrs Caplan) this is not the first such case brought before her nor, I fear, will it be the last. She has said she is committed to providing health care as close to home as possible, so the minister must agree that in the case of women who face the experience of high-risk pregnancies, intensive care must be provided for a child as close to the mother as possible. Those mothers and those children await her reply.

#### SUN LIFE SKATE CANADA INTERNATIONAL

**Mr Cleary:** Last week, the eyes and the ears of the world were on my riding. I am pleased to report on the success of the 1989 Sun Life Canada international figure-skating competition which was held in Cornwall, Ontario, during the past week. Some 75 competitors, 125 coaches and officials, and media from around the world attended this first-class event. Since its beginning in 1973, Skate Canada has developed into one of the most prestigious international skating events in the world.

The city of Cornwall was indeed proud to serve as the host to this event and the enthusiasm of capacity crowds made the participants feel very welcome. It is not surprising that the major sponsors and organizations of Skate Canada expressed high praise for the efficiency and co-operation received by the local organizing committee. Contributing to the success of this event were the outstanding facilities of the Cornwall Civic Complex and the countless hours provided by 300 local volunteers.

I know all members would want to join me in extending congratulations to all those who won medals and offer their best wishes to those in Cornwall who made the 1989 Sun Life Skate Canada International such a huge success.

#### STATEMENT BY THE MINISTRY

##### WIFE ASSAULT PREVENTION MONTH

**Hon Mrs Wilson:** I wish to inform the House that November is Wife Assault Prevention Month in Ontario.

Wife assault is a crime that inflicts horror upon our children and robs women of their physical and emotional wellbeing, of that security of the person which we believe to be an essential right



of every citizen in this province. Wife assault is a crime that must be stopped.

As of last May, a new allocation of \$5.4 million, plus a cost-of-living increase and wage compensation for shelter workers, brought the province's financial commitment for wife assault prevention and services to \$41 million, a 20 per cent increase over last year's allocation and more than two and a half times the funds committed to family violence prevention in 1985.

At this moment the government maintains 23 programs through 15 ministries and agencies to address the issue of wife assault. I want to emphasize that this government is committed to a long-term wife assault prevention strategy, one which includes an integrated and co-ordinated approach to assaulted women's needs and that very important component, public education, through our public awareness campaign. This year's campaign will reach further into our communities, with newspaper advertisements in 10 languages, radio ads in Italian, Spanish, Portuguese and Greek, and mass distribution of an information brochure printed in seven languages.

Crucial to this campaign is the role played by our local communities. This year special grants targeting wife assault prevention efforts will go to 106 organizations carrying out local community education projects. In all, \$200,000 has been approved to sponsor special projects that address the needs of Franco-Ontarian, northern, native and immigrant women, as well as women with disabilities, teens, racial minorities, rural and urban women.

We are aware, however, that education alone is not the solution to this problem. Women need support from a society that understands the truth about wife assault. This government's message is clear: Wife assault is a crime; there is never an excuse; wife assault is never a private matter; and the prevention of wife assault is everyone's responsibility. There is no place for violence against women in our society.

## RESPONSES

### WIFE ASSAULT PREVENTION MONTH

**Mr R. F. Johnston:** I join with the minister in this announcement today. I will start off with the last comment, which is that there is no place for violence against women in our society. If one looks at the situation today, one can see some progress since, for instance, 1982 when we first studied family violence and this matter in the Legislature and the standing committee on social development reported. But if you look at the

government's actions since that time, Mr Speaker, whether it is to do with questions of public education or whether it is to do with actual action for women who are victims of violence, one would have to say we have not even addressed the recommendations of that report as yet, and I find that a very sad thing indeed.

It is important to do the kind of public education that has been discussed here and where groups around the province are using the funds, but it is also important to say what our public education system is doing these days around the questions of familial violence.

When you look at the fact that family studies, the very notion of using that as a format to give hands-on experience to children for nonviolent problem-solving, is diminishing as an element in the curriculum, when you look at using the day care centres that are now in the various schools of the province as a means of teaching people how to break some of those cycles of violence and how the relations between men and women as they are growing up are not supposed to be at varying degrees of power, but are between equals and are to be resolved peacefully, one would have to say we are not doing all we can. In fact, there has been a loss in terms of the emphasis on that program in the schools in Ontario.

### 1350

One of the things that has always concerned me about this education or public announcement program of the government is that it creates demand. Women who have been hidden victims for years, assaulted but afraid to leave their homes for economic reasons or fear of reprisal by the spouse, find themselves now saying: "Perhaps I should go. Perhaps I should go and present myself at a hostel. Perhaps I should take the children and leave the situation because it is becoming dangerous to all of us."

What do they find when they go there? They find they cannot get in. Whether it is Ernestine's in Etobicoke or the Emily Stowe Shelter for Women in Scarborough or any of the interval houses around Ontario, they find they are being turned away to more dangerous situations, turned out to lack of housing even when they have been in these facilities. They are creating a need, creating a demand, making women feel that perhaps society is supporting them and then providing no extra beds.

Having no expansion at all in our transition homes is a travesty. That this government, which promised major additions in spaces in 1985 during the election, still has added hardly any spaces at all in the intervening four years and then

advertises, "We will not support violence against women and we are providing services to them," in my view is a shame.

This has to be tied with the notion about women of disability, whom I notice are mentioned here. This government has asked for a new study on violence against women of disability. The Dis-Abled Women's Network indicated years ago that statistically women who are disabled are being beaten more and victimized more, and yet this government has not even taken the small step of making sure that each of our hostels and transition homes is actually accessible to disabled women, because most of them are not today. The government can talk about public education, but what kind of message is it actually sending out to the people of Ontario when the infrastructure is not there to assist these very victims themselves?

Until we do an awful lot more about the stereotyping of women in our society, until we do something to change the image that is being put across time and time again on television about women as easy victims of violence, we are not going to address these concerns. A government like this can actually refuse to fund access programs for women like the Lakeshore Area Multi-Service Program in Etobicoke, women who are often in violent situations with their husbands before they split.

I say to the minister that this kind of education she is talking about is hollow indeed. It has to be added to by a plethora of programs that provide support to women who are victims of violence or it is in fact meaningless.

**Mr. Jackson:** I am rather disappointed that the second announcement from this new Minister without Portfolio responsible for women's issues—the first dealt with Persons Day—simply announces an advertising campaign based on what everybody now understands. Obviously, wife assault is a crime and society can no longer tolerate it, but I challenge the minister now that she has this responsibility.

To really try to understand this issue, to know this issue, to listen to the women who suffer from it, is to become very angry about this issue and to want to do something more than simply put out more buttons and more banners, and to put more advertising on the radio waves. If she would take the time to listen to the women who have been subjected to some of the decisions of our northern judges, such as Judge Vannini who says to a native woman in this province, "I know you have been beaten by your husband, but this time he went a little too far," she would find that there is

no place in Ontario for those kinds of attitudes in our judiciary.

What we need in this House is an announcement and a commitment from this government that it will look seriously at the necessary reforms in our judicial system, that it will look here in the city of Toronto at what the real meaning of wife assault is. Does the minister know that there is not a single reference in the Criminal Code to wife assault? It does not exist in the Criminal Code. It is assault, common assault, pure and simple. We should not be blinded by the notion that if you are doing it within the confines of your home, somehow the courts should look at that differently.

If Kirby Inwood had walked next door and beaten his next-door neighbour's wife instead of his own wife, would he have got off with a suspended sentence? If he had gone next door and taken his next-door neighbour's child and dropped that boy on his head, would the courts have said, "You get three months probation"? Of course not.

Do we tolerate, for example, that Franca Capretta, a woman in Ottawa, spent more time in the intensive care unit of a hospital because of her skull being crushed in by her husband than he spent in a police station or before our courts? That is where the commitment is required from this government, not more advertising. We all agree it is a crime, but it is a pervasive crime and it is becoming more apparent.

What are we doing about it? Are we empowering our police forces with the necessary sensitivity to understand domestic crime? No, we are not. Are we empowering our court system to enable a woman to go all the way through the court system, to receive necessary justice and receive access to criminal compensation, which in this province is one of the worst examples in Canada in terms of access for women who are subjected to violent crimes?

All the minister wants to do is advertise this. What happens when she advertises this problem? The phones start ringing. She creates expectations on the part of women who are being abused and on behalf of their children who are being abused. That is why we need the additional funding now, not next year. Her own Premier (Mr Peterson) has indicated that the interministerial committee is not ready to report to this House or to the women of this province.

We need action now when we have a situation in Hamilton with waiting lists of 80 or 90 women who have now come to terms with the abuse in their lives. When they make a phone call they are



told: "I am sorry. We don't have the funding for those programs."

Rape crisis centres, which deal extensively with cases of domestic assault, come to this government because there is no proper and formal funding mechanism for rape crisis centres. When they come on bended knee to this government begging for additional dollars, it does not just give them the funding; it says, "It will come as a reduction of next year's funding." They are just giving them a stay of execution.

Why do they force not only our interval houses but also our rape crisis centres to operate in such a fashion? All they can do is tell people: "I am sorry. We have to cancel our programs with our medical community. We have to cancel our counselling programs internally with all of the necessary privacy and support mechanisms for women coming to grips with this issue."

I say to the minister that until her government stands on its feet and commits real dollars to this issue, she is only paying lipservice to the women of this province who are being subjected to these criminal activities. The women of this province need action. They do not need advertising. They need funding. They do not need more fanfare from the minister or her government. Let's get the funding in place. Let's respect the real tragedy of what is going on out there and start doing something about it.

## ORAL QUESTIONS

### CANCER TREATMENT

**Mr B. Rae:** I have my first question for the Minister of Health. I wonder if the minister can tell us when she was first aware of the shortage of radiation technologists at Princess Margaret Hospital.

**Hon Mrs Caplan:** The ministry some time ago identified the need for greater co-ordination and support of cancer care services. As the Leader of the Opposition knows, we appointed a cancer care co-ordinator last spring, Dr Aileen Clarke, who has been working with all the partners in delivering health services, particularly in the area of cancer.

**1400**

**Mr B. Rae:** The reason I ask this question is that as the minister will know, back in 1985 there was a two-volume study on cancer care in the province, a comprehensive study. It was prepared on 30 August 1985. That document clearly sets out the crisis in cancer care in Ontario. It clearly sets out where there are shortages and

problems in working conditions and it clearly sets out what needs to be done.

If I can quote from that report, in 1985 the government was told by a study which was commissioned by the Cancer Treatment and Research Foundation, "...currently overtaxed resources will not meet future needs and will deteriorate beyond the point at which they can still be salvaged; and access to specialized care for cancer patients will correspondingly decrease."

The government had that report on its desk in 1985. It allowed the situation to deteriorate for four years, to where patients were waiting for as long as seven and eight weeks to receive radiation treatment before the government announced its emergency measures. I want to ask the minister, when was she personally first made aware of the fact that there was a problem with respect to radiation care, and why did she not do something about it long before now?

**Hon Mrs Caplan:** I do not agree at all with the categorization of the Leader of the Opposition. The ministry took action immediately upon receipt of that report and announced the redevelopment of Princess Margaret Hospital, as well as working very closely with the Ontario Cancer Treatment and Research Foundation, Princess Margaret Hospital and the Ontario Cancer Institute to start to talk about how we could better take a specialty care approach and develop the kind of cancer network in the province.

Those discussions have been very fruitful. We have an action plan. We are massively recruiting for specialists from around the world. In fact, \$1 million is going into recruitment efforts to make sure we have the staff we need in Ontario. We know the situation is not unique to Ontario. I can tell him that as much as we would all like to see these things in place yesterday, we are moving forward together actively.

**Mr B. Rae:** The fact of the matter is that there were more nurses working at Princess Margaret Hospital in 1985 and there were more beds open at that time than there are as I speak today. That is the reality. Why did the minister not act back then when her government was told that many of the concerns of radiotherapy technologists were in the area of working conditions, job responsibilities and staffing levels? The government was warned. It had a report on its desk that said cancer care was in disarray and that it stood at the crossroads. In particular, it pointed out the areas of radiation oncology and radiation technology as areas that needed focus from this government.

I want to ask the minister, why did it take a crisis where the waiting lists doubled and tripled, why did it take that long for this government to finally come to its senses with regard to the crisis that now exists in cancer care in Ontario?

**Hon Mrs Caplan:** As the Leader of the Opposition knows, we want to make sure that people have the services they need when they need them. He also knows we have developed an action plan so that we can ensure it is happening. I want him to know we have the assurance that is happening.

He knows as well that human resourcing issues are not unique just simply to Ontario, but that these issues are in fact worldwide in their scope. He knows as well that we have doubled the number of positions for training. We did that almost two years ago. We know that we are working very closely with the cancer care co-ordinator, the Ontario Cancer Treatment and Research Foundation, the Ontario Cancer Institute, the Canadian Cancer Society and Mission Air to do everything we possibly can to see that the people of this province have the care they need when they need it.

**Mr Reville:** It's like talking to a telephone book.

**Mr B. Rae:** As my colleague the member for Riverdale says, it is like talking to a telephone book.

#### SALES TAX REBATE

**Mr B. Rae:** I have a question for the Minister of Revenue, who gave us some answers yesterday with regard to the rebates his government hands out to charitable organizations on the retail sales tax side, and in particular with respect to the costs of construction and other taxable costs that are not paid by charitable organizations under the law.

The minister yesterday told the House that nothing could be done. His Premier (Mr Peterson) went out and tried to bail him out of the large hole he had dug himself into when he said it could not be done. He said, well, maybe something should be done. Then I gather the minister said he thought maybe something ought to be done.

Tridel Corp, in addition to having an arrangement with Mrs Starr—

**The Speaker:** The question?

**Mr B. Rae:** —also had an arrangement with two other charities, the Artisan Charitable Foundation and the Coral Charitable Foundation. I would like to ask the minister if he is aware of transfers that took place far earlier with respect to

the sales tax rebate. Is he seriously still saying today that there is nothing the government of Ontario can do to monitor the hundreds of thousands of dollars it gives to these organizations? Is he saying there is nothing he can do about that?

**Hon Mr Mancini:** Evidently the Leader of the Opposition does not want to understand the process that has been in place for a considerable period of time.

Interjections.

**Hon Mr Mancini:** The honourable Leader of the Opposition would rather have his colleagues heckle and shout than listen to the answer. I want to say to the Leader of the Opposition—

**Mr Wildman:** Life is tough, isn't it, Remo?

**Hon Mr Mancini:** No, life is quite nice over here. You guys might want to try it some day, but I doubt if you will have the chance.

**The Speaker:** Order. Response?

**Hon Mr Mancini:** I want to say to the members opposite that the public trustee—

Interjections.

**The Speaker:** Order. If you do not want the minister to respond, I will ask for a supplementary.

**Hon Mr Mancini:** It was all those potential interim leaders who were heckling.

**The Speaker:** Does the minister have a response?

**Hon Mr Mancini:** I explained to the House yesterday very clearly the role of the Department of National Revenue and the role of the Ontario Ministry of Revenue. I wish to repeat for all honourable members that charitable organizations are registered by the government of Canada. They have to do a number of things in order to become registered.

If they wish to undertake certain charitable works they must then propose these charitable works. They must complete these charitable works and they must prove that whatever they promised to have done is in fact done. Then they apply for the sales tax rebate and they qualify—

**The Speaker:** Thank you.

**Mr B. Rae:** I saw several clips of the minister outside this place in which he told the media that maybe the situation was not perfect and that maybe something more could be done to look at what happens after he hands over the cheque. Apart from the gobbledegook his bureaucrats have written for him, I wonder if he is prepared now to answer in this House a very simple question. Is he prepared to say inside this House



what I heard him say outside this House with regard to whether future changes are going to be carried out by his government? Yes or no?

**Hon Mr Mancini:** When there are problems with charitable organizations, individuals such as the Ontario public trustee are called in to investigate the matter and to not only defend the government or the public purse but to defend the charity itself. We must realize that in this instance with the National Council of Jewish Women of Canada, Toronto section, it is their organization that has been hurt, an organization that has been in place for almost 100 years and that has done good works for almost 100 years. It is their organization that has been hurt and it is the responsibility of the public trustee to see if he can right the matter.

I also want to tell the Leader of the Opposition that we rely on the government of Canada to do its job and we co-operate with it. I do not want to set up a new level of bureaucracy, as I said outside, that will inhibit smaller, less sophisticated organizations from doing the charitable works they want to do on behalf of their own communities. I have promised that I would open a dialogue with the government of Canada—

**The Speaker:** Thank you.

**Mr D. S. Cooke:** That'll work. Remo goes to Ottawa.

**Hon Mr Elston:** He's going to get there before Bob.

**The Speaker:** Order.

**Mr B. Rae:** I know the minister might be fantasizing about a draft.

**The Speaker:** It is now time for a final supplementary.

Interjections.

1410

**Mr B. Rae:** I think the door just shut.

I want to ask the minister this question about his own responsibilities. He says that he does not want to hurt small unsophisticated organizations. I am sure that Mrs Starr does not qualify under that title, neither does the party of which he is a member, nor does the Tridel Corp.

There is evidence now in the public record that two charitable organizations were effectively established by Tridel Corp; that those charitable organizations received a sales tax rebate and handed over that sales tax rebate directly to Tridel under an agreement signed by them and Tridel.

Now the question that I have for the minister is this: Is that the kind of charitable work which the

taxpayers of Ontario are supposed to subsidize? And if not, when is he going to do something about it?

**Hon Mr Mancini:** When the charity involved applied for its sales tax rebate, a field audit was made, our auditor was out there for more than 27 hours. He conducted his job appropriately, he reviewed the files and the National Council of Jewish Women qualified for their sales tax rebate because they had completed the work they had promised they would do.

If there has been wrongdoing, I would expect that the public trustee, the police, the government of Canada, a number of other agencies, the Houlden commission and a whole host of others who are looking into this will find out whether or not there has been illegal activity or inappropriate activity. I do not think it is necessary at this time for the Ministry of Revenue on its own to start another investigation. We have promised all of those groups, including the public trustee, that we will co-operate with them. I want to make that very clear.

#### CHRONIC CARE

**Mr Brandt:** My question is for the Minister of Health. The president of the Ontario Hospital Association gave out some of the following facts regarding chronic care patients in hospital beds. He indicated in that statement that the average age of the patients is 86; that 92 per cent of them need feeding assistance, 95 per cent of those selfsame patients need help in moving and 65 per cent of the patients are either confused or have Alzheimer's disease and are therefore in a difficult position in terms of the kind of care that they require.

The bottom line that I want to share with the minister is that with the best of intentions, seniors with those kinds of problems need chronic care facilities. They cannot be easily moved to the option that the minister proposes in this House frequently, as a community-based service. They cannot be easily moved into those kinds of services and they need chronic care beds. Is the minister prepared to live up to her commitment and the commitment made by her predecessor to construct the 3,000 chronic care beds that were contained in the former minister's statement back in May 1986?

**Hon Mrs Caplan:** In fact, I would say to the leader of the third party that we are committed to meeting the needs, the real and changing needs, of the people of this province. I speak to seniors right across the province as I travel and does the member know what is unanimous? Not one

person is telling me that they want to enter an institution before they absolutely have to. They know we have the highest rate of institutionalization in the western world. They are saying, "Help us to stay at home for as long as we possibly can." We are listening and we are taking action to make sure that we can respond appropriately.

**Mr Brandt:** Along with others, I am getting rather tired of the pat response to some very serious questions.

I want the minister to know that at the Perley Hospital in Ottawa it is not a question of people remaining in their homes as long as they can before they are institutionalized. I want the minister to know that there is a two-year waiting list to get into the Perley Hospital for chronic care. And I want the minister to know that, as a result of the commitment made by her government to construct new facilities, she has put on hold a review of the Perley Hospital in Ottawa, which is causing that facility to go into debt by some \$10,000 a week. In addition, they have had to go to the bank to get a line of credit for some \$800,000. The minister has not had the proper thinking with respect to the requests made by that hospital to even respond to its letters which were sent to her back in May.

When is the minister going to respond to the Perley Hospital's immediate dilemma, which is its debt, and what is she going to do about the waiting list?

**Hon Mrs Caplan:** In fact, I have met personally with the chairman of the board of the Perley Hospital. I have met with all of the board chairmen in the Ottawa area. My colleagues in Ottawa have met with them. I spoke directly with the chairmen of the district health council and I assured them that the ministry is committed and determined to meet the real needs of the people and we have also asked the hospitals to submit their plans, which they now have.

We are reviewing them and I want to assure the member and the people of Ottawa that the ministry will ensure that essential services are maintained in the community and that hospitals work co-operatively with us to resolve the many issues during this transitional funding formula time as they arise.

**Mr Brandt:** The minister talks about reviewing the needs of the people. I want to advise her that of the three hospitals in the Ottawa area that look after chronic care patients, the lowest cost per patient bed is at the Perley Hospital, something in the range of \$170 per day, which is about \$60 to \$70 per day less than other hospitals that provide a similar service. They are absolute-

ly at capacity. They have no money. They need a line of credit at the bank, which has been extended temporarily, with a very clear review that will be required by the bank and the hospital in order for it to continue to have the money that it needs to operate while the minister is casually reviewing the situation and deciding what she is going to do.

Can I ask the minister, when will she do one simple thing—just a straight answer on one question, once in this House—when will she send the Perley Hospital an answer to its request?

**Hon Mrs Caplan:** In fact, I am very aware of this situation. I want the member to know that ministry officials are meeting on an ongoing basis, reviewing the situation, and that we have said very, very clearly to those who have chronic hospitals across this province that we acknowledge that there are some interim steps that must be taken to address the funding formula changes but we are working with them on an individual basis and we will ensure that essential services are maintained in the community.

**Mr Brandt:** Mr Speaker, I realize it is not your responsibility to get a minister to answer a question in this House, but that answer was an insult to this House.

**The Speaker:** Maybe the member would adhere to the rules and ask the second question.

**Mr Brandt:** Yes, I do have a second question.

#### ONTARIO SCIENCE CENTRE MAILING

**Mr Brandt:** My second question is to the Premier. The Premier might be interested to know that a certain letter was mailed in the Toronto area recently in a plain brown envelope, such as the one I have in my hand, with no return address on the envelope. It contained information with respect to the Ontario Science Centre. As well as that same piece of material that was included in the plain brown envelope, there was a letter from the Minister of Culture and Communications (Ms Hart). It is not a constituency letter, but it went primarily to the minister's own riding.

In my view, having read it, if the letter were to be sent across Ontario it would probably be acceptable, but in this particular instance, when it is included with advertising information from the Ontario Science Centre and some rather self-serving comments within the context of the minister's letter, does the Premier think it is appropriate that money should be used from the science centre to distribute this kind of literature which is, in fact, self-serving to the minister?



**Hon Mr Peterson:** Frankly, I have no idea what the member is talking about. Obviously, I will look into it. I do not know who sent it, under what auspices.

1420

**Mr Brandt:** It was sent by the Ontario Science Centre and in checking with the Ontario Science Centre I have found that in the postal routes in which this material was distributed—seven in all—six of them, either in whole or in part, happen to be in the minister's riding. I would say that is rather serious. I ask the Premier, in investigating this, what steps does he plan to take to bring this to the attention of his minister as to the inappropriateness of using the Ontario Science Centre to distribute literature within the minister's own riding, not in Mississauga, Scarborough, Etobicoke, Don Mills or anywhere else—

**The Speaker:** The Premier.

**Mr Brandt:** —around the metropolitan area—

**The Speaker:** Order.

**Mr Brandt:** —but in six of the seven postal routes.

**Hon Mr Peterson:** I can tell my honourable friend that I have never heard of the situation. I will look into it and share my views with the honourable member.

**Mr Brandt:** I want to say to the Premier that it is absolutely unbelievable that a minister would take these particular steps and use this method of distributing information, which is quite legitimate on the part of the Ontario Science Centre but quite inappropriate, I might add, on the part of the minister to use ministry letterhead to indicate what a wonderful experience this would be—and I am sure it is—to go to the Ontario Science Centre. Only one, I might add, with a very small, single exception, out of the seven distribution points was outside of the minister's own riding.

I think it is inappropriate, it is self-serving and I ask the Premier to take the necessary steps with respect to the investigation of this matter.

**Hon Mr Peterson:** I appreciate my honourable friend's judgement on the matter. I have not seen it, but obviously I will look into it.

#### INCOME TAX

**Mr Laughren:** I have a question for the Treasurer. The Treasurer will know, I assume, that Revenue Canada now has compiled the tax data for Ontario for the 1987 taxation year, and that data shows that in Ontario there were 1,160 taxpayers who had incomes of more than \$50,000 that year who paid absolutely no income

taxes whatsoever, federal or provincial. At the same time, there were over 700,000 Ontario tax filers earning under \$10,000 a year who paid provincial income taxes. Would the Treasurer tell us, how does he sleep at night?

**Hon R. F. Nixon:** I just think of the honourable member's questions and I doze right off.

I think the honourable member knows that because of the tax collection agreement the province has with the government of Canada, we can levy our personal income tax only as a percentage of the federal tax payable. If there is no federal tax payable, then of course we get none in that connection.

We have objected to this situation. We feel that the tax collection agreement is inadequate as far as it goes in that way and that we should have the right to levy our tax on taxable income, in which case we would, as members of this Legislature, have a bit more influence on the taxation system.

The member knows that we have been negotiating with the government of Canada for the last four years for improvements in that regard and so far have not been successful. The alternative is to do it ourselves. That is always a consideration, but frankly it is an inefficient and expensive alternative.

**Mr Laughren:** So the Treasurer is rejecting the one way that would resolve the problem. That is rather strange.

Could I ask the Treasurer how it is possible that he accepts a system that has the 700,000 people earning under \$10,000 a year paying provincial income tax, while his preferential treatment of the capital gains costs the Treasury almost \$500 million a year. At the same time, for only \$150 million, everyone below the poverty level in the province of Ontario could be removed from Ontario's provincial income tax rolls. Why does the Treasurer not take some of that forgone revenue and remove those people from the tax rolls in the province of Ontario?

**Hon R. F. Nixon:** We allocate our revenue in as fair and equitable a way as possible. The honourable member knows, as an efficient Treasury critic, that each budget has increased the number of citizens who have been exempted from paying provincial income tax by the program that we have been using, which he does not feel is rich enough. I have a lot of sympathy with his views and it would be nice to spend another \$150 million in this connection.

What we have done, however, is put a surtax on higher incomes of the type that my honourable

friend actually receives. Actually, perhaps not, because the honourable member is no longer a community college teacher. In this connection, the surtax is designed so that incomes above average are in fact subject to additional revenue.

#### ONTARIO SCIENCE CENTRE MAILING

**Mr Brandt:** I have a question to the Premier on the matter of the mailing from the Ontario Science Centre. When my office contacted the Ontario Science Centre to try to determine exactly what happened with respect to this mailing, we were advised at that time by the spokesperson from the science centre that any questions should be referred to the minister's office because this was, and these are the exact words they used, "a joint venture between the ministry and the Ontario Science Centre."

Again I want to point out that the mailing almost exclusively went to the minister's riding. Now we are advised that we are to refer any questions to the minister's office. Does this seem appropriate to the Premier under the circumstances?

**Hon Mr Peterson:** The member is saying a lot of allegations and I have told him I will look into the situation and I will give him the benefit of my judgement after I have looked into it. I do not know how I can be more fair than that.

**Mr Brandt:** I am trying to provide the Premier with all of the information that I have. I think the information with respect to the fact that a spokesperson for the Ontario Science Centre would indicate that this was a joint venture is rather important because it indicates that there was some kind of a relationship between the Ontario Science Centre and the minister with respect to this specific mailing.

I want to again put on the record that I feel the distribution of this is self-serving, inappropriate, and I am pleased to hear that the Premier is prepared to look into it. I ask him, will he then report back to the House?

**Hon Mr Peterson:** Let me say I am pleased that the member is pleased. I said at the beginning when he started that I would look into the matter and, of course, I will. The member has made a judgement on the matter. I do not know the facts attendant thereto. It is her responsibility, it is her riding, as I understand it, but as I said to my friend, I will look into the matter and I will give him the benefit of my advice as to whether it is appropriate or not.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mrs E. J. Smith:** My question is to the Minister of Education. I have received more than one call from members of my constituency who suggest—indeed insist—that it is less than honest for the government to claim that it is in a neutral position in the present strike activities of the colleges of Ontario. They hold the view that since many issues are at the core of the strike, fiscal government restraint is responsible for the present situation. Would the minister care to comment on these questions?

**Hon Mr Conway:** Yes, I would, because like my friend the member for London South, I have heard that charge myself.

I would say in London what I said in Pembroke on Saturday last and what I will repeat now in this chamber. Five years ago in this province there were roughly 98,000 full-time students in the Ontario community college system, at which time the overall operating grants provided by the then Tory government approximated \$463 million. Five years later, the overall enrolment is down somewhat to something in the neighbourhood of 97,000, so a slight decline in enrolment overall of full-time equivalent students, but the Peterson government has seen that operating support rise from \$463 million to \$698 million. So I say that while the enrolment has remained stable—in fact gone down slightly—the overall operating grants have increased by over \$235 million, an increase of over 50 per cent.

I have to believe that people in London and Pembroke, and yes, even in this Legislature, will understand that to be a very generous level of support. This government, under the leadership of this Premier (Mr Peterson) has done what it said it would do and that is substantially increase the financial support to the Ontario community college system.

#### 1430

**Mrs E. J. Smith:** The minister has previously assured us that there is a statutory committee that is looking into the students' needs and making sure that no student is indeed at risk in the present situation. Is this committee also taking into account those particular courses that would be more adversely affected by the present work shortage?

**Hon Mr Conway:** As I indicated to the House the other day, under the Colleges Collective Bargaining Act, the whole responsibility for determining jeopardy rests with a body of individuals called the College Relations Com-



mission. That group of people has the responsibility to monitor very carefully the whole question of jeopardy. They have a responsibility to report to the Minister of Colleges and Universities if, as and when, in their considered opinion, a state of jeopardy exists, and to this date they have not made that finding in this particular dispute.

#### SALE OF DUTY-FREE LIQUOR

**Mr Philip:** I have a question to the Minister of Consumer and Commercial Relations. Can the minister confirm that the Liquor Control Board of Ontario was approached by those free-wheeling lobbyists and developers Huang and Danczkay, as well as the Department of Transport, and that the approach was that it not exercise its option, as of right, to operate the liquor store in Terminal 3? Can the minister confirm that it has given in to those lobbyists and can the minister give what justification can be given to giving up this option for the LCBO to operate a potentially lucrative business at Terminal 3?

**Hon Mr Sorbara:** Indeed I will not confirm that because that is not the case. My understanding is simply that the liquor control board, when confronted with the appropriate marketing of beverage alcohol in a duty-free context at Terminal 3, did an analysis of what the most appropriate method of marketing would be under the circumstances and, I tell the member for Etobicoke-Rexdale, looking at the nature of duty-free marketing around the world—and it really is a global market—opted for a model which would have one facility market all products, including cameras, tobacco products, perfumes and beverage alcohol as well.

**Mr Philip:** Is the minister not confirming then that in fact the LCBO will not be operating the store in Terminal 3, and would he further confirm that it is in fact the plan of the LCBO not to continue to operate its rather lucrative stores in both Terminals 1 and 2? Would the minister give us the detail that justifies his sellout of a rather lucrative business? What is the justification to the 50 employees presently working there and to the taxpayer of Ontario for giving up this lucrative business?

**The Speaker:** Thank you. You have already asked three supplementaries.

**Hon Mr Sorbara:** I am surprised and delighted to hear a member of the New Democratic Party arguing for a marketing model which generates significant profit.

I want to tell the member that the studies have been done and every indication is that the most

effective—read “profitable”—method for marketing of beverage alcohol in duty-free stores is the model chosen for Terminal 3. I want to also tell him that currently the LCBO has contracts and leases which have it marketing beverage alcohol in a separate store at Terminal 1 and in a separate store at Terminal 2. But the fact is, as those leases are up for renewal, we will be looking at marketing in a one-stop shopping context.

The member is right that that raises a very important issue for employees at those stores. I want to tell him, I want to tell those employees and I want to tell this Parliament and the province that every single employee who will be affected by any change will be provided for in terms of alternative working arrangements within the Liquor Control Board of Ontario. I think that is a fair and effective way to do it and it represents the approach of a model employer. No one will lose his job.

#### PASSENGER RAIL SERVICES

**Mr Harris:** I want to talk about people losing their jobs to the Minister of Northern Development. I think he will be aware of the headline in yesterday's paper, “140 Ontario Northland Workers To Go?” The headline in today's paper is, “ONTC Confirms Job Losses.”

I am a little surprised that the minister did not have a statement on this today, given that we are talking numbers in excess of 10 per cent of the workforce of the Ontario Northland Railway and given the fact that this type of massive job loss will have a tremendous negative impact throughout all of northeastern Ontario. Some union representatives tell me that the worst is yet to come.

These cutbacks are the result of resource industry shutdowns, compounded substantially by the fears and the uncertainty created by the Peterson government with respect to the future of passenger rail services in northeastern Ontario.

I raised this question two weeks ago when I found out that the minister was sitting on the report that he did, that his government did on the future of passenger services in northeastern Ontario. He has had that report since August. Why will he not release that report and how many more jobs do we have to lose before we get that report?

**Hon Mr Fontaine:** First of all, the ONTC has not made an announcement on this matter and, as the member knows, I am fully aware of what is going on in that corridor with the closing of the mines. We are just starting to talk with the unions to see what we can do, if we cannot replace the

freight that we are losing with those two mines. We have to do that in advance by the law, but that does not mean that they are going to lose all their jobs because ONTC is doing a marketing study to try to promote more freight in that corridor. Going back to Via, this is not the problem of the province; this is the problem of the federal government.

Second, the report is being translated into French and is going to be out. The report was done before Via decided to leave the north. The origin of the report was to see if the ONTC was doing a good job on the passenger side. The report will be out later on and the member will see. The Minister of Transportation (Mr Wrye) is negotiating. We are going to talk to Via and we will decide as a government what we are going to do with the Northlander or the other train.

**Mr Harris:** The minister will know that it is his government, it is the ONTC, that has the responsibility for passenger rail services in northeastern Ontario.

Second, I am asking about a report that his government commissioned, that was completed and finished in August, and he has had since August, that talked about the day train and the night train. As well, the minister has a petition from the United Transportation Union containing 28,000 signatures, people in northeastern Ontario saying loud and clear to the Ontario government that they want to continue both the day train and the night train.

The minister has that study, he has had it since August, he knows the uncertainty and the fears that that study created when it was under way. I would ask him again why he will not release the results of that study and why he will not give the people of northeastern Ontario a commitment that both the day train and the night train will remain in northeastern Ontario.

**Hon Mr Fontaine:** I would like to remind the member for Nipissing that his own government made a report under Margaret Scrivener and never acted on it either. We have waited since that time, since 1981, to see what they were going to do with it. I am telling the member the report will be made public when it is translated into French.

The onus for Via is federal. We asked, my ministry and the Ministry of Transportation, to meet with Mr Bouchard and he said no. That is not my fault. The member should write to Mr Bouchard and ask why did he meet with us in August last year. The report did not come in August. It came to me in Cochrane in the middle of September, and I gave the report to the ONTC

to look at and to the Ministry of Transportation. That was my duty. Now I am telling the member that when it is translated it will be made public.

## PUBLIC HOLIDAYS

**Mr Fleet:** My question is for the Minister of Labour. Two weeks ago, the Ontario Advisory Council on Women's Issues issued an excellent report advocating progressive reforms of employment standards. In particular, the council recommends creating two additional public holidays each year, namely, the August Civic Holiday and a family day in February.

Public holidays are a basic standard which improve working and living conditions and contribute to improved family life and maybe to increased productivity. Ontario has only eight statutory holidays, yet a majority of private sector employees and three quarters of unionized employees have at least 11 paid holidays per year.

When will the government update the basic standard and quality of life of all workers in Ontario by acting on this report?

**Hon Mr Phillips:** We are doing two things. The first is that as a result primarily of the unemployment insurance changes planned for 1 January 1990, we are looking right now at some changes that were proposed in the report to maternity leave and family leave. As the member may recall, I issued a consultation paper just last week looking at that element of the report.

The second thing I would say is that we are planning quite a thorough review of what we call our Employment Standards Act, which will look at the other recommendations within that report. That review will take place next year, and so we will look at those two things: the consultation paper immediately and the Employment Standards Act in 1990.

## 1440

**Mr Fleet:** The minister will recall that last May I introduced Bill 9 to create two new public holidays, the August Civic Holiday and a heritage day on the third Monday in February. The public response I have encountered about this proposal has, on balance, been highly favourable. In light of the review his ministry is currently conducting on the Employment Standards Act, will the minister undertake to have his ministry also examine Bill 9 for possible adoption by the government?

**Hon Mr Phillips:** The quick answer is yes, although I think we must recognize that this review includes some other extremely important matters, such as the family leave I talked about,



the whole issue of overtime pay, the whole issue of severance and termination, which is extremely important.

We certainly will look at our paid holidays as part of that review, recognizing that it will be done within an overall review looking at some other quite important matters. Therefore, we will look at that, but I cannot guarantee that that will be one of our recommendations because we will be looking at several important matters that I think must be considered in a total context.

Certainly we will review Bill 9 as proposed by the member as part of it and we will look very carefully at whether it is of benefit to extend more paid holidays or whether there are higher priorities. We will consider it very carefully.

#### WASTE MANAGEMENT

**Mrs Grier:** My question is for the Treasurer and it concerns the disposal of garbage in the greater Toronto area. The Treasurer, I am sure, will agree with me that a great deal of expertise about the nature of garbage, the collection of garbage and the disposal of garbage lies with the public works commissioners in municipalities and that in the greater Toronto region there are five regional works commissioners and a number of local municipalities with works commissioners.

I wonder if the Treasurer could tell us, in the plans for the disposal of Toronto's and the greater Toronto area's garbage, what role he sees these public works departments and their commissioners playing in the future.

**Hon R. F. Nixon:** I think the honourable member may be under the impression that I am still the minister that the greater Toronto area reports to the House through. Is that correct?

**Mrs Grier:** Yes.

**Hon R. F. Nixon:** That has been changed, and I would like to refer the question to my colleague who has all the answers in this area, that is the honourable Minister of Municipal Affairs.

**The Speaker:** It is then referred to the Minister of Municipal Affairs.

**Hon Mr Sweeney:** I appreciate the confidence that the Treasurer has in my ability to have all the answers. I have had the opportunity to meet with each of the regional chairmen in the greater Toronto area, along with my colleague the Minister of the Environment (Mr Bradley), to discuss exactly how they were coming along with respect to waste disposal.

As the honourable member is probably aware, there is an agreement that each of the regional

chairmen will name an interim site for waste disposal and then they are supposed to collectively come up with one or more sites of a more permanent nature. The other part of the agreement is that they will attempt over the short run to use recycling and reduction and reuse for roughly 25 per cent of that waste and over the longer run for 50 per cent of that waste. Third, they are looking at the possibility of some incinerator proposals, but that has not been defined too carefully.

I can only assume that the civic officials that the honourable member refers to are very much part of that process with respect to their own individual chairmen, but the two contacts we have within the ministry are with the CAOs, the chief administrative officers, and with the regional chairmen themselves. My ministry does not have any contact directly with the civic officials that the member mentions.

**Mrs Grier:** I apologize to the minister for having forgotten the fact that he had assumed responsibility for the greater Toronto area and I congratulate him on being given that responsibility.

My question, of course, was directed to the recent request for an expression of interest for the development of a comprehensive, long-term, solid-waste management system for the greater Toronto area and to my puzzlement at the fact that nowhere in this document is there any co-ordination of the expertise in the works departments of the various regional municipalities.

The expression of interest seems to be directed totally at the private sector, and I would like to hear from the minister how he expects the activities that he has described to us as now being carried on within the various regions to be carried on if the disposal fees that are presently at the disposition of the regional municipalities are in fact totally turned over to the private sector, as appears to be envisaged by the present plans for the GTA.

**The Speaker:** Minister.

**Mrs Grier:** There is a great deal of money going—

**The Speaker:** Minister.

**Mrs Grier:** —into recycling and reduction as a result of those disposal—

**The Speaker:** I think there has been enough explanation.

**Hon Mr Sweeney:** I have a greater sense of the honourable member's question. To the best of my ability, let me assure her that there is no

attempt whatsoever, either on behalf of the government of Ontario or on behalf of the regional chairmen, to indicate that this task will be carried out by the private sector.

My best understanding is that they are looking very closely at their own ability to perform the task, and I understand that in some of the regions the civil service staff, the engineering staff, are making proposals in fact as to how they can do that. But the private sector certainly will be considered as one of the options.

The member is undoubtedly aware of the fact that there is an organizational structure set up—the acronym is SWISC, the solid waste interim steering committee—whereby they are looking at a number of options. I can also tell the honourable member that between last week and this week my deputy minister responsible for GTA, Gardner Church, and I have attended three seminars in three of the regions—there is another one tomorrow night and I think the fifth one is next week—whereby we are looking at a range of concerns from the regions as far as their co-operative efforts are concerned.

We are looking at transportation; we are looking at housing; we are looking at social services, and we looking at waste disposal. That kind of co-ordinated effort is going on at two different levels simultaneously and it most certainly will involve their own staffs—

**The Speaker:** Thank you. That seems like a fairly comprehensive response. The member for Wellington, new question.

#### HOSPITAL FINANCING

**Mr J. M. Johnson:** My question is to the Minister of Health. Almost three years ago the former Minister of Health, the member for Bruce (Mr Elston), gave his commitment for funding the redevelopment of the St Joseph's Hospital in Guelph and for major renovation to the Guelph General Hospital. Does the minister intend to honour these commitments made by her government to the people of Guelph and Wellington county?

**Hon Mrs Caplan:** The member opposite should know that in fact I have been meeting with the communities. I had people from his riding in to meet with them, to talk about how we can make sure we are planning appropriately for the communities to meet the needs not only for today but also in the future.

He knows also that my colleague the member for Guelph (Mr Ferraro) has been a wonderful advocate on behalf of his community and wants to ensure that the new St Joseph's Hospital,

which is in the planning right now, will in fact meet the real needs of the people of Guelph in the future.

He knows also that there is some repair work that has to be done for the Guelph General Hospital and that we are working as part of our overall review of capital to make sure that, as we use capital dollars and as we put the shovel in the ground, we want to be certain that we are meeting those needs after the very best of planning processes, getting the very best of advice because we know that our only opportunity to do the right thing, which we all want to do, is before the shovel goes in the ground.

**Mr J. M. Johnson:** The minister should read the press release by her predecessor, the former Minister of Health. In a release dated 24 April 1987, the member for Bruce said: "The people of Guelph have been waiting almost 20 years for an answer to their medical needs. They deserve better. Their waiting is now at an end."

Possibly the Minister of Health should talk to the former minister because apparently waiting is not at an end. When does she intend to honour the commitments? Not any more studies; 20 years is enough. Even the former minister admitted that.

1450

**Hon Mrs Caplan:** The member opposite knows full well that we are gathering the very best of information and advice—I am sharing that with colleagues in this House—to make sure that, as we build for the future, we are building the right thing. We are committed to meeting the real and changing needs of the people of this province. I know that he is, and I want to assure him that my colleague the member for Guelph is ensuring we make the commitments that are necessary to meet the real needs of the people of Guelph.

#### SUSTAINABLE DEVELOPMENT

**Mr Adams:** My question is to the Chairman of Management Board in his capacity as chair of the Ontario Round Table on Environment and Economy. At the recent conference organized by the Peterborough round table on sustainable development, concern was expressed at a perceived shift in the balance between development and protection of our environment. The people in Peterborough look to the provincial round table for leadership. Can the minister bring the House up to date on the work of his round table?

**Hon Mr Elston:** First of all, might I say that in terms of leadership, the municipality of Peterborough has taken a lead in setting up one of the first operating round tables, and it has gone a



considerable way in the municipality to do several things which I think have been important advances with respect to taking stock of where its community is in relation to development and in ensuring the development is done in harmony with the environment there.

I think that, with respect to our own round table, our meetings have been productive to this stage and, in fact, we have had several interesting discussions surrounding the issues of planning for the future. Land use, energy and a whole series of other sectors of the economy have been visited to get a first sense of how we should approach the production and presentation publicly of an overall strategy.

The process around which that strategy will be brought forward is going to be the subject matter of an upcoming meeting, and I want to assure the people of the province not only that we support the local initiatives of each of the municipal and other round tables created but that we are working in harmony with the federal and other provincial round tables. In addition to that, we are providing ourselves with the best advice from the broadest public consultation that is possible.

**Mr Adams:** It seems to me that the Brundtland commission, which developed the round table concept, had in mind a grass-roots approach to sustainable development. Does the minister foresee that the provincial round table on the economy and the environment will be able to support, in concrete ways, the work of vital local round tables, such as the one in Peterborough?

**Hon Mr Elston:** In fact, what we expect from the process of the round table is not only the development of an overall umbrella strategy for sustainable development in Ontario but also the opportunity to examine ways in which local communities are making progress towards implementing programs in their own areas.

We have a portion of our round table which is dedicated and under the leadership of the honourable Minister of Citizenship (Mr Wong), items called demonstration projects, in which we are considering what we can do to show the people of the province how major advances can be made by making decisions in a wise fashion that take into account not only the business opportunities but also the opportunities we have as a society, to be able to preserve our environment in a way in which we would be proud, so that we can pass on the environment and our social order and structures in a way which our children and their children can be proud and take advantage of in future years.

## SALE OF POPPIES

**Ms Bryden:** I have a question for the Minister without Portfolio responsible for senior citizens' affairs. In view of the fact that Legions across the province rely on proceeds from the annual poppy fund drive to provide services to veterans in need, and in view of the fact that as veterans age and provincial services are cut back the needs are growing rapidly, can the minister tell us why the government and its Minister of Transportation (Mr Wrye) have chosen the day on which the two-week poppy fund starts for 1989 to announce that GO Transit and the Toronto Transit Commission will immediately ban poppy fund sales on the premises of these two provincially funded transit systems?

**Hon Mr Morin:** Being a veteran myself, when I heard this decision was taken I was aghast. I have not yet done any inquiry about the issue. I will consult with my colleagues and get back to the member if that is agreeable to her.

**Ms Bryden:** I am absolutely stunned that the minister has not yet met with the Minister of Transportation, who was here earlier. I would have directed my question to him as well about this sudden death knell that has been dealt to the poppy fund drive, because the campaign is all geared up. The people will now not know where they can operate from and they will not reach their goal; their volunteers will not come out.

Will the minister ask the Minister of Transportation to sit down with all the groups that rely on sales and tag days to make up for their lack of funding from the provincial government and from other agencies and work out a fair policy for using government property to assist these groups in their fund-raising? We are using the Parliament buildings right now for poppy fund sales.

**The Speaker:** Thank you.

**Hon Mr Morin:** I am pleased to say to my honourable colleague that I have in my hand a letter that was addressed to the Minister of Transportation and it was signed by Lou Parsons. Permit me, Mr Speaker, to read the letter.

**The Speaker:** As long as it is not too long.

**Hon Mr Morin:** It is very short, but at least it is to the point and I want to satisfy my honourable colleague, because it is an important issue: "Mr Forbes confirmed to us that no one at either GO Transit or TTC has asked the Legion to refrain from offering poppies on either transit system." To me that is clear, so obviously the problem, in my mind, seems to have been settled. I thank the member extremely for having brought this question on the floor.

## CHILD CARE

**Mrs Cunningham:** I have a question for the Minister of Community and Social Services. On 6 February the minister's predecessor stated in the House that he would do a complete review of the inspection and monitoring procedures in our child care centres. We expected that in August, and then we had a delay until October. It is now 1 November. This was a priority with the former minister. When should we see this document that will give us some direction around the necessary monitoring of child care centres across this province?

**Hon Mr Beer:** It is an issue on which my predecessor did note we were undertaking a review, and I hope very shortly to be coming back to the House with a statement. We have been undertaking a number of steps in the interim to deal with different issues. We want to conclude the review and, as I say, I will be reporting to the House shortly.

## PETITION

COMMUNITY COLLEGE TEACHERS'  
LABOUR DISPUTE

**Mr Carrothers:** I have a petition signed by some 33 individuals urging the government to do all it can to have community college instructors return to their classrooms.

1500

## ORDERS OF THE DAY

## OPPOSITION DAY

## HEALTH SERVICES

Mr Eves moved opposition day motion 2:

That this House condemns the government for its failure to address the deterioration of our health care system—specifically its underfunding of hospital operating budgets resulting in the closing of hospital beds; its failure to keep its commitment to fund 4,400 new chronic and acute care hospital beds; its insensitivity to the increased waiting lists for health services forcing Ontarians to seek health care outside the province and resulting in the suffering of patients; its inability to foster a co-operative relationship and trust with health care providers; its inadequate support and funding for a more community-based approach to health care delivery, and its attempts to blame individual doctors and health care professionals for the problems in the health care system.

**The Speaker:** Mr Eves has moved a motion. I believe you all listened carefully; at least I noted

that some did. Under standing order 41(f), members will have an opportunity to debate this motion. I would remind all members that the time will be divided equally among parties, and if the mover of the motion wishes to reserve any of that one third of the time until the end to respond, he certainly may.

**Mr Eves:** Addressing the many parts to the motion I moved in the Legislature this afternoon, I and many colleagues, at least on this side of the House, feel that the health care system in Ontario is indeed in a state of crisis.

We understand on this side of the House, some of us having been where the minister sits, that there are no easy answers in many ministries in government, and probably the Ministry of Health is one of the most difficult, to say the least. But there has to be a definite improvement in co-operation between health care providers and the government in the province. Admittedly, the government mouths platitudes about co-operation, and it has many studies and reviews going on of various aspects of the health care system, but very little seems to be done in a concrete and real way to address some of the very real problems in our health care system today.

The difference would appear to be the priorities between health care providers and the government's priorities. It would appear from the actions of both groups that doctors, nurses, hospitals, pharmacists, optometrists, physiotherapists, ambulance officers and nursing home operators all seem to share a common priority. That priority is treating the sick, caring for people and saving lives.

The government's priority over the last four years would appear to be cost containment as opposed to accessibility to health care. Let's review the government's approach to several problems in the health care system in the last couple of years.

Look at how they treated physicians in the province when they were renegotiating the Ontario Medical Association fee schedule. Despite the fact that an independent fact-finder recommended to the government that the physician OHIP fee schedule be increased by over three per cent, the government chose to unilaterally impose a 1.75 per cent increase. It was the first time in the history of the province that a government has not recognized the findings of an independent fact-finder in such negotiations.

Now let us look at the nursing shortage in Ontario. We have over four funded studies or papers or documents with respect to the nurse shortage in the province, two of those by the



profession itself—the Ontario Nurses' Association report and, of course, the Registered Nurses' Association of Ontario report. They were remarkably similar in their findings. The 14 or 15 major findings in each were almost identical. Yet to date the government has addressed exactly one before this week, and that was to appoint nurses on hospital committees where they would have a real say and some real input into what is going on in the health care system.

In February 1989 the Minister of Health (Mrs Caplan) introduced regulation 83 for 1989, and by 30 September 1989 nurses were supposed to be established on these committees in all 223 public hospitals in the province. Hospitals were supposed to have passed bylaws. It was supposed to all be done. We are now at 1 November. When I asked the minister in the House last week exactly how many hospitals had complied, she did not refuse to answer the question, but she did not answer the question in giving her response. I suspect she did so because the answer is zero. If the answer is not zero, then why did the minister not give me the answer when I asked the question?

Some hospitals have been very co-operative in this regard. To say that others have been somewhat less than co-operative would probably be an understatement.

The minister knows she has received a draft bylaw, drafted in concert by the Ontario Hospital Association and the Ontario Medical Association. To date, it is my understanding that she has not responded to their submission.

Look at the way this ministry and this government have treated hospitals and their budget problems. Look at what they did to the administrator of Cambridge Memorial Hospital a few short months ago, I think. When the Deputy Minister of Health can stand up and say in a public forum that he is going to have a particular hospital administrator's head on a platter if he goes public with some problems he is having in his hospital, it is a sad, sad day for health care in Ontario.

Optometrists were foolhardy enough to trust the government and put their faith, with respect to diagnostic fees under the OHIP fee schedule, into the hands of an independent fact-finder. Professor Rayner from the University of Western Ontario came to the inescapable conclusion that optometrists should receive exactly the same fees for their diagnostic procedures as ophthalmologists receive.

Despite the fact that his recommendation was that there was no excuse for the government

giving them more, the government retroactively and unilaterally, again, dismissed this independent report and reduced the optometrists' fee schedule by 4.35 per cent. They did not give them the same; they cut their fee schedule by 4.35 per cent.

If you want to talk about mismanagement in the health care system, all you have to do is look at an OHIP computer system that has over 25 million people registered as users. The population of the province is 9.5 million people. How can that possibly occur? We have asked this minister these questions. We asked her predecessor these questions. We have been asking the same questions for four years and the answers we have been receiving for four years are: "We are redoing. We are looking at changing the computer system."

OHIP has been looking at changing its computer system, as far as I know, since at least 1984. It is now 1989. It is going to be a hell of a system when it comes out, I guess. They have been reviewing it for five years. When are they going to do something? It would only lead you to believe that they have been sitting on their hands for most of the time and perhaps seriously looking at the problem only recently.

We have no drug and alcohol rehabilitation centres in Ontario. The treatment centres we have are slim and none, and I think slim went fishing. We spent all kinds of Ontario taxpayers' money to send these patients to the United States of America and other jurisdictions to be treated when it would be far more economical to treat them right here in Ontario.

Look at the issue of perinatal and neonatal care. Over the last several years, we have had mothers and newborns flown to Buffalo, Winnipeg and all kinds of other centres throughout Ontario because they could not receive treatment close to home. That situation simply did not exist only five short years ago in the health care system in Ontario.

Let's look at the issue of lithotripsy. We have exactly one machine, still, in Ontario despite the fact that we have pointed this out to the ministry and the minister time and time again. We still do not have even a second unit. The city of Paris, France, alone has five. The province of Ontario has one. We have pointed this out time and time again to the minister. We send, on average, 12 to 15 patients a week, each and every week of the year—we have been doing it for years—to the United States of America for treatment at a cost to the Ontario taxpayer of anywhere from \$2

million to \$3 million a year. One machine costs \$1.5 million. What are we waiting for?

#### 1510

We can stand up and announce study after study, as the minister did earlier this week. She is going to spend \$600,000 a year reviewing nursing problems that have been reviewed to death. Spend the money on something concrete where it is going to help the people of Ontario and not delay resolving the problem for another year or two. "Hopefully, we will not be Minister of Health then, so we won't have to worry about it." Right? I guess that is the rationale.

**Orthopaedic surgery:** We have heard the minister say to some of my colleagues who have raised the problems of their constituents with respect to waiting times for orthopaedic surgery: "Shop around. If you don't like the answer some doctor gives you, find another one." Great response.

**Cardiovascular surgery:** The waiting lists and the tragedies that have occurred in the field of cardiovascular surgery in this province since 1985 are really tragic. We have had individuals on waiting lists for literally months, if not years. We had the incident of one patient, who had his cardiovascular surgery postponed 11 times, who died.

We have, as recently as a couple of weeks ago, the incident of Pat Terry, which I raised in this Legislature at his and his cardiovascular surgeon's request, because Mr Terry was literally on a waiting list for seven or eight months just to get an angiogram done; not to have surgery performed, just to have the diagnostic procedure done. This is an individual who had a history of heart problems and had a triple bypass in 1986. He had a heart attack while he was on the waiting list for an angiogram.

This is a problem the minister said she solved in June 1988. I do not think she solved it very well, because from talking to cardiovascular surgeons, the problem is just as bad, if not worse, late in 1989 as it was in June 1988 when she made her announcement.

The minister accuses members of the Legislature, including myself from time to time, of politicizing individual patients' problems. I thought as an elected member of the Legislature that what I was sent here to do was to resolve individuals' problems, both within my constituency and outside of it. If Mr Terry phones me and asks me to see if I can help him get lifesaving cardiovascular surgery, I regard that as my duty, obligation and responsibility.

The minister's response, as I recall, was, "I would not interfere," although miraculously, I might add, Mr Terry was scheduled for his surgery, or angioplasty in his case, the very next morning, by coincidence, after I asked my question of the minister in the Legislature.

We could go on to many different areas. I will look at the area of cancer treatment and the problems we are having now throughout Ontario with a lack of radiotherapy technologists. This is an issue that was raised by members of the opposition by way of questions to the minister many months ago. It is an issue, as the Leader of the Opposition (Mr B. Rae) pointed out in his first question this very afternoon in the Legislature, the Ministry of Health knew about in August 1985. The ministry knew there was going to be a problem with respect to an acute shortage of professionals required to operate cancer therapy treatment centres throughout Ontario. What did they do?

I would have liked to have thought that in the last four-plus years we could have addressed the problem before it hit us over the head and hundreds of Ontarians had to suffer and have radiation treatment postponed or they had to travel to other places in Ontario or other provinces in Canada for treatment. These things did not happen in this health care system four and a half short years ago. They are happening with alarming frequency now. Somebody has not got a grip on what the real problems and solutions to those problems are in the Ministry of Health.

There has been a tremendous destruction of morale in the health care system in this province since 1985. Health care professionals from all walks of the profession are becoming more and more disillusioned by the day with the health care system in Ontario. If the minister talks to any health care provider on the front lines out there, be it a nurse, a doctor, an ambulance officer, they will tell her that morale in the system has seriously deteriorated. They feel they cannot trust the government.

I have named a few instances where different health care professionals have placed their trust in the government, and the government, quite frankly, has not turned the other cheek, it has slapped them in the yap, quite frankly. That is what they get for trusting the government with independent fact-finders and arbitrators. Now the minister is asking them to trust her again with Bill 147. "Trust me," the minister says.

**Mr J. B. Nixon:** Oh, come on. Take it easy. This is not melodrama.



**Mr Eves:** People are dying, Mr Nixon. If you do not care, leave. If you are here because you are on House duty, have a nice day and shut up.

**Mr J. B. Nixon:** I care, but I am not going to play with people's lives, as you are doing.

**The Deputy Speaker:** Order, please. Would the members respect the standing orders, please.

**Mr Eves:** Perhaps the honourable member could do some bedtime reading about Patti Starr. I understand he has more than a passing interest in the matter.

**Mr J. B. Nixon:** You don't have any interest in anything but your own, personal success.

**The Deputy Speaker:** Order, please. Would the member for York Mills (Mr J. B. Nixon) and other members respect the standing orders, please.

**Mr J. B. Nixon:** Mr Speaker, on a point of order: If the member is going to refer to me personally, I think he should be obliged to obey the same standing orders that you have asked me to obey.

**Mr Eves:** The first point I would like to make is that I would like restored on the clock the time that the member for York Mills has usurped.

I would like to conclude my statements about the state of health care in Ontario with a comment which is a direct quote from the report of the committee investigating cardiac surgery at St Michael's Hospital. This is not an opposition member speaking, this is not a political dialogue, this is from a report of a committee that the minister herself set up. The report contains this very crucial statement of fact, near the end, "If Ontario does not devise a system to monitor and manage change, the province's health care system will go from crisis to crisis and public confidence will continue to be eroded."

I think that says it all. That is exactly what is happening today. The province's health care system is going from crisis to crisis and public confidence is continuing to be eroded in this health care system.

I am asking the Minister of Health, the Deputy Minister of Health in particular, seeing as how he seems to run the Ministry of Health over there, and the government of Ontario to address these very serious problems in the health care system today. There are serious problems and people are literally dying while they are on waiting lists. These problems did not exist in 1985, they do exist now, and it is about time they were addressed.

**Mrs Marland:** In rising to speak to this motion, I would say at the outset that I would prefer that this motion was not necessary. I want to read into the record the motion, because in fact these words say it all as far as the situation of health care in Ontario in 1989 is concerned. The motion is as follows:

"That this House condemns the government for its failure to address the deterioration of our health system—specifically its underfunding of hospital operating budgets resulting in the closing of hospital beds; its failure to keep its commitment to find 4,400 new chronic and acute care hospital beds; its insensitivity to the increased waiting lists for health services forcing Ontarians to seek health care outside the province and resulting in the suffering of patients; its inability to foster a co-operative relationship and trust with health care providers; its inadequate support and funding for a more community-based approach to health care delivery; and, its attempts to blame individual doctors and health care professionals for the problems in the health care system."

I will try not to repeat the comments of our critic for Health, the member for Parry Sound (Mr Eves), who has very passionately and very accurately this afternoon tried, in a very short period of time, to outline some of the concerns of the Progressive Conservative Party in Ontario today.

When we discuss the situation of health care in Ontario, we are in fact speaking on behalf of a minority. Obviously the majority of people in Ontario today are healthy, fortunately, but it is on behalf of the minority who depend on government to provide the care that they need that we are speaking this afternoon. It is on their behalf that the Progressive Conservatives have placed this motion.

The irony is that there are all kinds of fund-raising programs in Ontario today for different types of medical research and I do not need to take the time of the House to list those causes. But whether you start with heart, cancer, etc, there are millions of dollars donated for research and there are millions of dollars spent on research. It is a totally unacceptable, irresponsible irony that when results of that research have provided remedies for heart disease and cancer, the accessibility to those remedies is limited or nonexistent simply because the Liberal government seems to have difficulty in prioritizing where best to spend the public's money.

I have said a number of times in this House that any single member of the 130 ridings that people

in this House are elected to represent could stand on any public platform in this province and defend spending money on health care over everything else, because the truth of the matter is that people who are ill would give everything they have in order to get better.

I can speak from a very personal basis. When our child developed leukaemia, we would have gone to the ends of the earth, we would have sold everything, mortgaged our house and done anything to find a cure to save that child. I only give that as a personal example because I think if you have been in that position and you have stood in those shoes, you understand. I do not expect other people who have not had a firsthand experience to understand, but I do expect them to listen to people who have had.

When I think of the people we have dealt with just in this last year, people like the Charles Coleman family in Mimico, the parents of baby Jessica in Mississauga, the cancer patient in my riding who just this week learned that she has to go to Ottawa for her treatment without the provision of transportation and meals and accommodation for her spouse to accompany her, when I give those names and those examples, that is all they are; they are examples of hundreds and hundreds of other cases.

When we talk about a person like a Dr Bill Rudd, who operates the Rudd Clinic in Toronto, where he does colonoscopies all day long and his particular examination technology is one that saves people from dying of cancer of the colon or the intestine, the irony is that this health care professional, Dr Rudd, has to provide his own equipment. In 1989, he is saving hundreds of lives and the government does not even provide him with the tools to render his diagnostic service.

Because of the time limitation, I cannot give more examples. I do not have the opportunity to tell members of the major concerns of the people I represent and the people we have heard from around this province, but suffice it to say that when there is a remedy for a health care problem and all the help that patients can receive is to be on three different kinds of waiting lists, then I guess what begs the question with this Liberal government is, is its only goal to develop more confrontation and hostile relationships with the health care providers, the hospital boards of governors who are trying to provide the facilities and ultimately the public who cannot access their care? Is that the only goal and is that the only way this Liberal government can prioritize in terms of spending?

There is no question that we have a \$13-billion health care budget, but there is also no question that in terms of priority that is where the money has to be spent. There are areas where revisions can be made to the management of some of our facilities, but while we have people on waiting lists in excess of two years for an operation that enables them to work, to walk and to live normally, then we have to question the total irresponsibility of the attitude of this Liberal government and I guess in particular we have to name the Minister of Health.

I will look forward at another time when more time is available to enlarge on my personal concerns on this matter and to say that I feel it is depressing at best to look at the harassment of our health care professionals at all levels because of what exists today in the attitude to the health care system by the current Liberal government.

### 1530

**Mr Philip:** It may seem to members to be somewhat parochial if I deal with conditions in the hospital of which I am a member of the board of governors, but I think it shows the real-life situation of the ineptitude of this government to deal with the crisis in our health care system.

Through the underfunding of hospital operating budgets, through the lack of initiatives in creating alternative care, through the lack of funding of proper home support services, through its failure to keep its commitment to fund the 4,400 new chronic and acute care beds it promised, and through its insensitivity to the situation facing people in the health professions, particularly those in the nursing profession, this government has failed the people of Ontario in the most grievous way possible.

As of 12 o'clock noon today, 1 November, Etobicoke General Hospital had absolutely no beds available, zero beds available. We have people on the waiting list.

If we look at this hospital, which has approval for a total of 413 beds, we see that at the present time it has 68 people occupying acute care beds who are waiting for chronic care placement, 12 people waiting for nursing home placement and 9 people waiting for rehabilitation placement, for a total of 89 people occupying active treatment beds who in fact do not belong in the hospital. But, because of a lack of initiative of this government and the Minister of Health and other ministries, there is no place else for them to go; 89 people occupying active treatment beds who should not be there in a hospital of only 413 approved beds.



Despite the fact that we have a highly efficient hospital which has developed some of the most advanced analyses of workload and work disbursement in the province, despite a highly sophisticated computerized system in which administration can keep track of exactly what is going on and where every cent is being spent in the hospital, we are faced with a situation where, even having been forced by this government to close beds, we will be able to balance our budget—projecting to 31 March—only by closing 18 beds.

Closing that number of beds in a hospital of this size, while on an average day about 90 people who are not in need of active treatment care are occupying beds, is certainly a serious matter. The beds that have been closed as a result of the deficit which the ministry has forced on this hospital are: 18 medical-surgical beds, 7 paediatric beds, 5 psychiatric beds and 4 gerontological beds, for a total of 34 beds.

The present shortage of nurses at the hospital is critical. Based on our present needs, we are short 17 full-time registered nurses, six full-time registered nursing assistants, 22 part-time RNs and four part-time RNAs. It is not as though our hospital has not tried to recruit, but we are losing nurses, nurses who have had very many years of experience, because they are simply getting burnt out.

In the House some time ago, I told about my touring each of the wards of Etobicoke General and talking to the nurses, the staff and the patients there. I can tell, if you have an active treatment ward in which you have to feed and bathe six stroke victims on a daily basis, you get burnt out. The hospital is not equipped for the lifting, for the bathing and for the handling of that kind of patient; and indeed the 68 waiting for chronic care placement, and even the 12 waiting for nursing home placement, would be much better cared for in a facility that is properly equipped to handle those kinds of person.

At the time that we will reopen our beds, the beds that have been shut as a result of this government's failure to adequately fund the hospital, in addition to the 17 full-time RNs we need today and the 22 part-time RNs, the six full-time RNAs and the four part-time RNAs, we will need an additional 10 full-time RNs.

Anybody who knows anything about the colleges that train nurses will tell you that, although people are going into the nursing profession, when they talk to their graduates three and four years later, the same people then have left the profession. My wife, for many

years, was a teacher of nursing; she runs into her students in the shopping centre and so forth, and asks them: "Which hospital are you working for? Where are you working?" It is quite tragic to think that the taxpayers of Ontario spend all of this money educating people for a profession and, because of the inadequate salary, because of inadequate working conditions and because of the burnout resulting from this, they end up leaving the profession after the taxpayers have paid for what amounts to a fairly expensive educational program.

The minister's response of having one study after another simply is inadequate. This government has been in power for two terms now. It has had adequate studies. It knows what the problem is. It is about time that it stopped giving excuses, stopped blaming the professions, stopped passing the buck and got on with dealing with the very critical problem we are facing.

It is not the hospitals that are being run inefficiently. It is not the nurses who cannot do more. It is not the other professionals in the hospital who are not doing their jobs. The buck stops with the minister. She has not done her job. She has not dealt with the problems, and therefore this government must be condemned for its lack of initiative, lack of action and the breach of the promises it made in the last election.

**Mr Jackson:** I regret that the time restraints in this House prevent each and every one of us from presenting most of the concerns we have about the inadequate level of attention this government is giving to health care needs in this province.

To be a member of the Ontario Legislature in this day and age is to become a listener to a litany of medical treatments that go unattended and to become a person who has to listen to families who cry out, in futility almost, for the attention of someone in government to deal with the lack of access that has become the hallmark of this minister and her government.

On several occasions, I have raised concerns for my community specifically, but I have also expressed a specific concern for a constituency generally in this province. I am talking about newborn infants: children who are struggling for their first breath of life in this world; children who, we all hope, will find their transition in delivery to be uneventful in the sense that it will be without medical complication and difficulty for the mother.

Increasingly in this province we are finding that children can live longer, with less neurological damage and physiological damage, in spite of

very difficult deliveries in high-risk, premature situations. Instead of reacting to that fact, instead of helping our hospitals cope with the increased incidence of these children, we have a government that refuses to take seriously the warnings of neonatal intensive care hospitals all across this province.

With a government that will not listen to this problem it was to be foreseen that we would start to see incidents where women going into labour, knowing full well that that child's chances of success were minimal, were being asked to fly from the city of Hamilton with Chedoke McMaster, a world-class facility only several blocks away, all the way to Kingston or to London to other neonatal hospitals.

Why? Because this government said to Chedoke McMaster: "You will get a 4.6 per cent increase, period, end of sentence. You will not get an increase for your program because of its established demand as demonstrated in southwest region, because your government has said, 'We're sorry, but you have to cut the level of nursing in that program if you don't have the funding.'" The minister knows it is true, because she has now been to the hospital to look at various incidents that we have raised in this House.

#### 1540

I raised several cases—John Glenn and Peter Samuel, the Sharpe twins, two young boys who had to be sent to a hospital in two different ambulances in anticipation of finding the necessary room for them, and it was not until after considerable time and fear and worry on the part of the family that these children's medical needs were attended to at an intensive care hospital.

There have been backlogs in intensive care units across this province. We have had a young mother from Hagersville having to be told in the middle of the night, "We're sorry, you've got to go the United States to have your baby because we cannot fly you to London, we cannot fly you to Kingston."

In spite of all these questions, and our raising these points on the floor of the Legislature, the minister says to us: "You don't understand the system. It is very complex. We have increased perinatal funding." That may be all well and good, but the minister has not done that for neonatal services in this province, and the facts have borne out that.

She has suggested that there is a computerized telephone system, a network right through to a central office which deals with a bed registry for neonatal intensive beds. She defended that and in

fact got headlines such as "Caplan Suggests MDs Ignorant of System." Those are the kinds of headlines the minister invoked.

We all know her celebrated, most recent case of denying that she did not have an adequate system in place, but with the critical care neonatal bed registry she clearly stated she had a system in place until I uncovered in this House the fact that she had had meetings within her own ministry to discuss the fact that the system was not working. It was a manual system that, because of its reliability factors, was not being used by doctors. They could phone individual hospitals far faster than picking up a telephone and being told that somebody in Toronto is on their lunch break at the moment and will get back to you.

The minister knows she has to commit the necessary dollars to put in a computerized registry system that is current at all times in order for it to be effective. She still has not got approval from her government to implement that. Did the minister ever withdraw her statement that doctors in this province are ignorant of how poor a system she had in place? She never did. She allowed that image to persist around this province, which was inappropriate and offensive to the reality and the risk that these children are put through.

There have been countless cases. There was another one raised in the House today, the case of Karla Evangelisto from Smithville who, having spent nine weeks at Chedoke McMaster, was informed at the moment of delivery that her child may have to be taken from her and taken to another hospital many miles away because there are insufficient beds at Chedoke McMaster.

I say to the minister, this kind of crisis management, the bold front put on by her government that things are going well, the fact that these children will be continuously subjected to these kinds of risks and the mothers to that kind of uncertainty and unnecessary worry during a complicated, high-risk emergency delivery, that is unacceptable in this province in this day and age.

It is important that the ministry now becomes refocused in this area, because its failure to do so will have serious implications to the lives of these children and to the future wellbeing of the mothers who bring them into this world.

**Hon Mrs Caplan:** In rising to participate in today's debate, I would say to members of this House that I understand how complex and difficult it sometimes is to understand the workings of our health care system. We often use



the term "system" in a number of different ways. We know that members of this House would not want to make statements that were factually inadequate, factually incorrect or absolutely wrong, or in any way to mislead members of this House. I know that and I understand that.

However, I would want to dissociate myself from some of the statements that have been made, because health care is a supremely human activity, and we rely on the providers, the professionals, hospital boards and administrators, who are all working together, often under challenging circumstances, circumstances where we see within our society not only an ageing population but also rapidly changing technologies and enormous resources. This year almost \$14 billion is being made available, a full third of the provincial budget.

As we establish our goals and are clear about our vision, we know how important it is for all of us to work together and also how important it is to understand how our system works. We know that we have 223 private, nonprofit corporations that we call hospitals. We know that the Ontario Hospital Association is the representative of those independent institutions which deliver the services to the people of this province. We know that the physicians, the nurses and all of the other allied health professionals work both in those hospitals and in community-based facilities across the province, delivering a wide range of many services, and how those services have changed over the course of not only the past decade but since we began the journey on this very important road, which we call medicare, some 20 years ago. We know the many changes that have occurred within our society.

My goal as Minister of Health is to make sure that people have the services that they need when they need them. My priorities are quality, accessibility and effectiveness. Our aim must always be to strive to improve the quality of everything we do in delivering the services to the people of this province. We are doing that by working together co-operatively with the providers of service, the professionals who deliver those services. We know they are our partners in the delivery of health care. We also know that no individual, no institution and no professional group can do this alone. We need everyone to pull together in these very challenging and rapidly changing times so we can make sure that we are responding appropriately to the real needs of the people in our community.

We know as well that, whether we are health care providers, patients, the government, con-

sumers or professionals, we are all partners. We all have roles, very important roles. As partners, we have a responsibility to ensure that our system not only is vital and relevant for today but is responsive to the pressures and strains that every aspect of our society is experiencing.

Our health care system in Ontario is extremely popular. In fact, we know that an overwhelming percentage of our citizens consider that they should have every right to be proud; in fact, they are, so they continue to have a very high opinion of it. They know as well that this does not mean it is perfect. I assume they know that there is always room for improvement. In fact, I want to share with the members that we are always working to improve tomorrow to make tomorrow a little better than yesterday.

#### 1550

I want members to know that, although a recent poll suggested that 75 per cent of the people in this province were satisfied with the health care system, even if that poll number was 95 per cent, I would still not be satisfied because, although 9.5 million people are served by this health care system, although thousands of people daily receive appropriate care in this province, if there is anyone who is dissatisfied then I am not satisfied until we make sure that we do everything possible to meet the needs of the people of this province so everyone will be satisfied in the future.

We know we can always do better. We also know that we are constantly striving to do that. This government has put enormous resources into our health care system and we know that the issues and challenges facing us are often ones of communication, ones of co-ordination and ones of accountability while also ensuring that what we do is meeting the needs.

As a society, our approach to health care is changing. It no longer involves only the treatment of illness, just medical treatment and services. More and more, the people of Ontario want, quite simply, a better quality of life. We also know that as a government it is our responsibility to create a climate in which our citizens can achieve their aspirations.

We are doing this, changing the direction of the health care system, to recognize that health is more than simply the treatment of illness. We also know that health is more than just the absence of disease. A new definition includes an emphasis on preventive care, promotion of healthy lifestyles as well as the creation of a healthy workplace.

Through the Premier's Council on Health Strategy we have looked very carefully at the determinants of health and how we can respond more appropriately as we change the structures in our system to ensure that it is responsive to what people really need so we have the right incentives in place to assure that people are given priority on the basis of need within our very complex health care system.

The health care system is not simply a function of buildings we construct or the machines that we buy. It is really all about people caring for people. We are a prosperous society and we spend a great deal of our prosperity, our collective wealth, on health care.

We have also reached the stage, however, where it is not so much a case of what we have, as how to use those resources that we have to make sure that they give us the very best results for the people of this province.

So we have to ask ourselves constantly, are the people's real needs being met? Do the outcomes to the patient justify what is being done? Are the people satisfied that they are getting the services they really need? Where and how can we direct our energies to ensure that the answer to these questions is yes most of the time?

I would like to take a few moments here to talk about some of the actions the government has recently undertaken to ensure that health care and health care services remain available and appropriate for all of our citizens.

As members know, the Independent Health Facilities Act is presently under consideration by the Legislature. This particular act will ensure and enable government to have the ability to properly plan for where services are needed so we can allocate our very precious health care resources effectively.

It will allow us to work with district health councils to determine the need for appropriate services and then to be responsive to those needs. But, most importantly, the Independent Health Facilities Act is about quality, ensuring that we have the appropriate standards and quality of care in community-based independent health facilities.

We know that we have quality assurance today in our hospitals. As these technologies are able to move outside of hospitals, we want to be certain that we can say to the people of this province that the services that they receive in an independent health facility are safe.

We want them to know that they can have confidence that the services they are receiving have been established in an environment where

they can have the confidence that there is quality assurance on an ongoing basis and that that is being monitored, and that is what licensing is all about.

This legislation is a co-operative effort. We had a number of amendments proposed at committee, a number of amendments that were supported by the government. I want to thank the opposition for its praise of the committee process which was so responsive in assuring that the intent of the legislation was reflected in the final product. I am looking forward to third reading discussion and debate in this Legislature so that we will have a new framework that will allow us to respond to changing technologies and that will allow us to say that there are a number of places where we can serve and improve our services to the people of this province. Today, services are provided in doctors' offices and in the quality-assured environment of hospitals. Through this piece of legislation, we want to make sure that we are also able to properly plan, to fund and to make sure that services provided in an independent health facility are safe and quality-assured as well.

We have addressed areas of specialty care. We have established our priorities. We want to make sure, as we plan these areas of highly specialized care, that we provide these services as close to home as possible while using provincial resources both efficiently and effectively and that we begin to build a network within our health care system, because right now, we know that what categorizes that system is that people have tended in the past to act quite independently, and there was no incentive for people to work together sharing information or data or planning together. So I think cardiovascular care is a very good example.

The challenge for the system, when you look at cardiovascular care, is partially because the indications for surgery were expanded. Surgery is now being done on older and sicker patients requiring more complex procedures and increased use of intensive care resources. We know that in May 1989 we took action. We said that not only were millions of additional dollars going to be made available to expand the capacity for cardiovascular care, we also looked at how we could best share information to make sure that people were appropriately referred to the services that were available as part of an overall network.

So we brought together the very best of expert advice to tell us how we could best develop a network within our system, how we could make sure that there were common definitions and



appropriate standards of care so that we could assure the best outcomes for people who are receiving this very important, highly specialized service in this province.

We did something else. We also said that while people today must get the service they need—and we are all determined to see that that happens appropriately—and we are relying on physicians to use their very best judgement to refer people to the service that they need, we are also concerned because we know that much of this can be prevented. So part of our program is to increase funding for heart-related, health promotion programs over the next five years. This is extremely significant because today we can prevent much of the heart disease which is affecting people. Through healthy lifestyle and personal choices, they can in fact make sure that they never need this kind of surgery. We think that today we must start to do this kind of health promotion in our communities.

We have three community-based heart health pilot projects. That is just a beginning. There certainly is more to do, but we have to give people the information they need so that they can in fact be as healthy as possible for as long as possible.

We developed a cardiovascular triage registry system. That is a fancy word, but what it really means is that we want to make sure that the most urgent cases in Toronto are cared for first. We are looking at an expansion of this kind of registry program, the development of a network. We know the capacity, right around the province, of the eight cardiovascular centres has been expanded and expanded substantially.

We know that Sudbury has increased. We know that Ottawa, Hamilton—a new centre at Sunnybrook Hospital is coming on stream. We have made a commitment to improve everything that we do, and I can tell the members that this is just one example.

Interjections.

**The Deputy Speaker:** Order.

1600

**Hon Mrs Caplan:** Thank you very much, Mr Speaker.

Another very good example of how we are building an important network and working together with all our partners is in the area of cancer care. We know that there are eight regional referral centres, plus the Princess Margaret Hospital, which ensure quality of care for people requiring this specialized service.

I know the stress and I understand how difficult it is for people to have to wait for cancer

treatment, and I do not want that to be one day longer than what the doctors say is medically appropriate. So one of the things we decided we had to do was move and develop the Ontario Cancer Control Agency. To help to co-ordinate services right across this province, we established the position of cancer care co-ordinator within the ministry and we developed what is a landmark program for North America, a women's breast cancer screening program, which is a model of how people can work together to monitor, to ensure that you are getting the result from a program, which we are told by the experts will save up to 300 lives per year simply by having a program that is in fact a network.

We know that we have allocated funds for renovations in Windsor, Hamilton and Thunder Bay. We also have new facilities under construction in both Hamilton and Sudbury.

Yes, of course, there is more to do. We are planning today not only for the short term but for the long term as well. We know that radiotherapy technicians are being actively recruited. We know that some 12 are going to be beginning soon at Princess Margaret Hospital. We also know that recruiters are at work in colleges and universities in some 23 cities and that the ministry is providing \$1 million for recruitment efforts, to make sure that we have the personnel and the human resources.

We know that some parts of the province in fact are not experiencing difficulties with staffing, so in those areas we are working with them to enhance and expand capacity so that we can refer people appropriately, because we know how important it is for all of us to work together in this province.

Just yesterday, I announced an additional \$21.2 million for cancer services in Ottawa and Kingston. We want the people of this province to know that whatever centre they receive their services in, they are receiving fine, high-quality care. I know the Ontario Cancer Control Agency will be looking at ensuring that we have appropriate standards and appropriate quality of care in all of our centres across the province.

The Ottawa Regional Cancer Centre is going to receive some \$18 million for construction of facilities and the purchase of equipment; the Kingston Regional Cancer Centre some \$3.2 million towards operating costs, plus some radiotherapy equipment. With this commitment, there are an additional 500 to 600 cancer patients per year who will be able to receive treatment at these centres, a total overall of almost 1,000 to 1,200 patients who will be able to be served.

Is that everything that we can do? Of course not. That is why, as the ministry moves from its traditional role as simply a funder, we are now becoming very actively involved in program planning and strategic management. I want to say that we are doing exactly the same thing, building a network in critical care and trauma.

I would like to spend a few minutes on an issue which I think is extremely important, because our approach to this I think is one where all members of this House will applaud our efforts.

We know that there are very significant issues for the nursing profession. The interdependence of all parts of the health care system shows up nowhere more clearly in this situation than it does in issues related to nursing issues. To help with these situations and to create a more satisfying work environment for this ineffable group and invaluable group of providers, we announced this week a series of important initiatives to change the attitudes and change the culture: \$15 million, a five-year innovation fund, to take a look at improving quality of worklife issues for nurses in this province; part for the hospitals to help in developing staffing and scheduling procedures; to encourage educational institutions to support continuing education for nurses; nursing bursaries for both registered nurses and registered nursing assistants in their last two years, who will be returned by agreement to work in designated hospitals where shortages may exist. This will be adjusted according to vacancy rates so that this program can be responsive to regional needs and to some of the issues that are outside the collective bargaining process, which we know is between the nurses and their employers, the hospitals.

A nursing co-ordinator to be appointed by the ministry to make sure that we are able to co-ordinate with all of those groups that have an interest in nursing issues, as well as two nursing policy advisers within the ministry.

What I think is very significant is some \$200,000 per year to support a nursing human resource data centre at the University of Waterloo, to make sure that we have all the information we need so that in the future we can ensure that we have the policies in place that will be as responsive as possible; \$400,000 for quality of worklife research, with both universities and community colleges; and earlier this year the requirement for all hospitals to amend their bylaws to add nursing staffs to their committees is in fact at the present time being implemented. We are conducting a survey so that we can assist those hospitals that may be experiencing difficul-

ty and the Ontario Hospital Association is also there to assist and support their members because we all know that everyone wants to be as supportive as they can to making sure that nurses have more say in the hospitals and are appreciated as valued, respected members of society.

We have done a lot in the area of health promotion. I certainly could spend a lot of time on that, but in conclusion I would like to stress that health care is a partnership and in a partnership all members have to look at each other's needs and priorities, as well as their own. For that reason, as Minister of Health, I am in constant touch with the many organizations involved in health care. I meet regularly and frequently with provider associations, with local community organizations and with many of the members of the public who have a stake in our health care system because it belongs to all of us. I also want to ensure that ministry staff keep channels of communications open at all times. They too are open to feedback and advice from the public, as well as from a wide variety of organizations. There are some 2,200 organizations that all have a legitimate interest in the Ministry of Health.

We in Ontario have had and should continue to have, I believe, one of the world's finest health care systems. This government is dedicated not only to maintaining what we have, but to improving it for the benefit of all. We have made an enormous commitment in resources. I am very proud to say that over the course of the last number of years funding for health and the delivery of health services in the province have increased dramatically. And we know that money is not always the answer. A businessman very interestingly said to me, "If you focus on improving the quality of everything that you do, then you do this by ensuring that you improve the management, that you improve the accountability," and along with that kind of improved scrutiny and monitoring to ensure improvement of quality, what you will find is that your services become as cost-effective as possible and that is in the interest of all of the people of this province.

This is an important debate. I would say to the members of this House that it is important, as we share this information, that we make sure that we are as accurate as we possibly can be with the information that we share and that we say to the people of this province that they have a right to be justifiably proud of our achievement, that we can by working together make sure that tomorrow is a little bit better than yesterday and meet the



challenges and turn those challenges into opportunity.

I want to say how confident I am that all of the partners in health care are coming to share their advice and wisdom and to work with us as co-operatively as possible. As we achieve consensus, knowing that consensus does not mean unanimity, I have been assured by the organizations and associations and individuals, all of whom wish to work with us, that in fact I can count on their advice, their assistance and their support as we meet the challenges of health care into the next decade.

**Mr D. S. Cooke:** It is extremely frustrating to listen to the Minister of Health in this House, whether it is during a debate like this or whether it is during question period, because the minister completely ignores the facts. She makes announcements day after day in the Legislature.

The minister just talked a couple of minutes ago about her attempts to solve the nursing problem in this province and she made an announcement the other day. But the fact of the matter is the announcement that she made earlier in the year, the amendment to her own regulations that would allow nurses to participate in hospital committees, the deadline for implementation was supposed to be the end of September. But what does she tell us today in the debate? She says they are working on the implementation. The deadline is past. If she is serious about making nursing a real part and partnership in the hospitals of this province, why does she not get serious with the hospitals of this province and make them follow her policy?

**1610**

She should tell the whole story when she comes here. She spent a great deal of her time in her speech talking about the quality of life. I would really like to ask the minister what quality of life there is for people in this province who are waiting for bypass surgery, who are at home with oxygen, cannot get out of their bed, are in constant pain waiting for bypass surgery in this province but cannot access it. Some of them have to go to the United States. Some of them cannot even get the emergency surgery, they die on her waiting list, and that is her quality of life?

I do not know what world the minister is living in. She made a promise here a year and a half ago, or whenever the announcement was made about expanding coronary surgery.

**Mr Eves:** June 1988.

**Mr D. S. Cooke:** June 1988, and she has reannounced the announcement for the London

hospitals at least a half a dozen times, that there are going to be 400 more surgeries take place per year in London covering that area, that region of the province. It was announced over a year ago, in June 1988. Here we are on 1 November 1989, and it is still not implemented. Waiting lists are growing, and what is the end result? We now have to have an arrangement with hospitals in Detroit whereby those hospitals will accept OHIP payments as full payment so that we can clean up the waiting list here in Ontario.

Now the minister may think—

**Mr J. B. Nixon:** That is a good deal, isn't it?

**Mr D. S. Cooke:** The member should ask himself, as one of the people who should be concerned about the taxpayers of this province, whether or not that is a good deal as a long-term solution. The fact of the matter is—

**Mr J. B. Nixon:** That's a good deal, the OHIP rate as opposed to the American rate. What's wrong with that, David?

**Mr D. S. Cooke:** I do not even think the minister has considered the fact that the institutional cost of that bypass surgery that is now done in Detroit is about \$20,000. If the surgery was carried out in Ontario, that would be part of the global budget of each hospital that carried out that surgery. Now that it is being done in Detroit, that is a net new cost to the taxpayers.

Last week, there were five people from Windsor who had their surgery done in Detroit, \$100,000 in increased cost to the taxpayers of this province. Yet the minister is quite content to say that everything is fine in Ontario and she does diddly-squat about the problems of bypass surgery in southwestern Ontario. She reannounces promises that she has made time and time and time again.

Now the elderly. Let's talk about the commitments that the minister has made of chronic care beds in this province. This is not just a matter of health care; this is a matter of credibility of her government and whether people have any confidence in her government and the promises that it makes. Her government made a promise in 1985, or her party did, that it was going to rebuild our chronic care hospital in the Windsor area.

In 1986, the member for Bruce (Mr Elston), the then Minister of Health, came down to Windsor and said: "You have the approval. Raise the money at the local level and the province will put in two thirds." We raised the money, \$11 million. I believe it is now up to \$13 million. What happens when the money is raised? The Minister of Health says: "No, sorry. We are going to delay it for a few more years. We don't

know what size of hospital you are going to get, but we want to talk about home care programs."

We all want to talk about home care programs, but if the minister was serious about keeping the elderly out of chronic care hospitals in this province, why shortly after her party was put in power did she freeze the integrated homemaker program? Why is it that, if she is so concerned about saving money and about providing home care alternatives, she has not extended that integrated homemaker program across the province? The fact of the matter is that the minister is not interested in that.

It is all rhetoric and it is meaningless and, in the meantime, elderly people have no alternative. There are no home care programs for them. There are no nursing home beds for them. There are no chronic care beds for them. The end result is that they go into places like rest homes in this province that are unregulated. They are supposed to be residential facilities, but instead the elderly have to go in there for health care in this province.

It is a bloody disgrace that this government built up expectations to such a degree. They indicated that they had a handle on it and were going to put \$850 million into capital expenditures for the health care system in this province and they have not done anything on it at all. Communities like mine are very, very angry about it. They are angry that the Minister of Health would come down to Windsor in September and come up not with a plan for the chronic care hospital or for coronary care in our community but with a method by which she can manage the political issue, and that is all there was to it.

The minister set up two more committees, one of which is going to study what the alternatives are for long-term care in our community. We already know those alternatives. They could easily be put in place, but the minister has frozen the integrated homemaker program, never extended it to the city of Windsor. She set up another committee to study the hospital proposal and when she got blown out the water by the local press and by the community on that proposal, her colleague in cabinet the member for Windsor-Sandwich (Mr Wrye) decided that it was time for him to give a speech.

He gave a speech to the Windsor Chamber of Commerce in which he talked about the real problem of why this hospital has been delayed. "Hospital project delayed to avoid scandal, Wrye says. Windsor does not have a new chronic care hospital because the Ontario Liberal government

wanted to avoid allegations of a political scandal."

The fact is that in this speech he says what we have been saying all along, that the former Tory government in 1985 approved a new chronic care hospital for Windsor. The plans were there and Ellis-Don contractors had got the award. The member for Windsor-Sandwich now says that because Ellis-Don got the award, they wanted to avoid a scandal back in 1985 and took the contract away from the company, and that is why we do not have the hospital.

The minister and the Minister of Transportation (Mr Wrye) may think that these kinds of tactics are convincing the people of my community. But the frustration, the anger, the sense of betrayal that people feel because of this chronic care hospital's lack of fulfilling its commitment and because the minister has not addressed at all the bypass and coronary surgery problems of our community are going to come back to haunt them.

Yes, there is one avenue of accountability for the people of this province, and that is when the general election comes. I can tell the minister that, based on what she has done to my community and to people who need bypass surgery and on the deaths that have occurred because of her neglect as minister—and it can only be pinned on her as the Minister of Health—she is going to pay the political price. Unfortunately, people have died over this issue, and all it is going to mean for her is the loss of three or four seats in our area. But that is the way the democratic process works, and at least she is going to pay the political price down our way.

**Mr Mahoney:** You hope. You hope.

**Mr D. S. Cooke:** You will. You will.

We circulated a petition in our area on the chronic care issue and 20,000 people signed the petition. There was another petition on the coronary care issue and 30,000 people signed that petition. The minister just dumped the coronary care petitions under her desk last week when they were presented to her, but people are watching her.

She may think that when she answers questions in this place during question period that by refusing to answer the questions, by walking all around the issue, that she is being politically intelligent. Well, she is being dumb because people do watch question period and people do see the clips on TV. They see what a mess our health care system is in, and the minister is going to pay the political price.



It is unfortunate, in the meantime, that patients across this province and people in need of health care are not getting it. That is a very sad situation. But the minister presided over this mess, and I hope to hell she pays the price.

**Mr McLean:** I am pleased to have this opportunity to put on record a few comments about this government's failure to address the deterioration of our health care system in the province of Ontario in general and how this poor performance by the government has affected some of the people in my riding of Simcoe East.

Before I get into the details, I want to say that a commitment is a commitment in my books. We are from rural Ontario, and when somebody comes to our riding and makes a promise, I anticipate that that person will keep that promise. The former minister did that the day before the election in 1987, committed a new hospital in Orillia for \$30 million. The community went out and raised the funds.

A commitment is a commitment in most people's lives, but apparently not with this government. There was \$850 million promised, additions, new facilities. They have now reneged on all these promises. I do not know how the minister can get up in this House and answer questions with a smile when she knows there are people on waiting lists for heart surgery, cancer surgery, knee and hip operations, and she deflects the questions without an answer.

**1620**

I say to the minister, the people of the province of Ontario know what she is doing to them. There are people like Lloyd Crawford from Oro Station who was forced to wait for months before he could get his surgery. Walter Silver of Orillia waited months for surgery. Clifford Mears from the Orillia area also waited a very lengthy time and, while he was waiting, he suffered a serious heart attack.

Phemie Beacock of Elmvale was told to wait by her telephone in the hope that she would get a call telling her a hospital bed had been located. John Farrell from Brechin came to the hospital and sat in the lobby until they would take him in. They sent him home twice. Alma Benham was found a bed this week in the Royal Victoria Hospital in Barrie. But where did the hospital find it? They found it in the hallway.

I cannot believe what I have seen, these actions of this government; the commitments it has made, the promises it has made, the promises it has made with regards to nursing; the fights it has had with the medical profession. Is it any wonder our health care is in a mess in the

province of Ontario? No, because of the leadership of the Premier (Mr Peterson) with the promises that he has made over the last three years. Has he kept them? No, he has not.

This government continues to spout rhetoric about how committed it is to the provisions of community health care services. In fact, every time the Minister of Health is asked about waiting lists for hospital services, she tells us that beds are no longer the benchmark of health care. She claims that she wants to keep people out of institutions. She implies that the importance of institutions is diminishing. She tells us she is working on expanding community-based health care. This government's commitment to community health care is more rhetoric than financing.

Since this government was elected, the percentage of the health care budget dedicated to hospitals has remained between 50 and 55 per cent, and the percentage of the community-based sector has stagnated at about four per cent. In fact, the percentage dedicated to the home care program which is specifically designated to provide health care outside of an institution has remained at about two per cent. No wonder health care professionals cannot find community-based services for their patients. The service does not exist.

I want to thank the member for Parry Sound for his resolution today to try to bring to the attention of the people of this province what this government is doing and has done to our health care in Ontario.

**Mr Grandmaitre:** I am proud to stand today as the new parliamentary assistant to what I think is a great minister. I do not have to stand in my place and defend the minister or even defend the government or the ministry. In the last four and a half years, great progress has been made in this because of the efforts of this government and we will continue to provide every Ontarian with the best possible services as Ontarians require.

I have chosen a topic. I could have chosen a number of topics, but I think it is very important that we should talk about the great efforts and accomplishments of the ministry and of the government. Today, I would like to say a few words about our government's accomplishments in regard to AIDS.

In the area of AIDS prevention there has been a concerted effort on the clientele on the part of the government, and I suppose every member in this House has been working diligently to find ways to increase awareness of this disease through public education. These efforts include AIDS hotlines in English and French; service to the

Chinese and the hearing-impaired communities; pamphlets distributed to every home throughout the province; radio and television information spots.

I can go on and on, but the point I want to make is a very simple one. It is that the government has created this opportunity because of the minister's and the ministry's and the government's constant effort to improve and to make people more aware of AIDS.

For the first time since the disease was first reported back in 1982, the projected figures for 1989 indicate that this year we will see a reduction in the incidence of this disease—great news. Whereas in 1988 there were 332 new cases reported in the province, as of this date in 1989 we can count 305 cases. To a lot of people 27 fewer cases might sound very few, but to us these 27 lives—we refer to these cases as lives—are very important.

Of course, the government has only so much control over how much responsibility people take for their own actions. I think it is fair to say, however, that the government has helped set the tone for creating a climate of individual responsibility in this most sensitive area of interpersonal relationships.

I think that now that I am a little closer to the Minister of Health I can assure members that we will continue to find ways to make people aware of this dreadful disease. In less than two years, the minister has allocated more than \$6.5 million to establish nine outpatient clinics and monitoring facilities. The most recent of these are at Mount Sinai Hospital in Toronto, the Chedoke McMaster Hospitals in Hamilton and St Joseph's Hospital in London.

I should also like to inform the House that the Ontario government has helped AIDS patients receive the very latest treatment procedures. Not only was Ontario among the first provinces to extend AZT to all patients diagnosed with AIDS, but Ontario has also recently widened access to this drug to include all symptomatic HIV-positive patients. For those patients who find the toxicity levels of AZT to be intolerable, we are hopeful that an alternative drug, DDI, will prove successful in its closed clinical trials, now ongoing.

The ministry provided a \$100,000 grant to set up the aerosolized pentamidine clinic at the Rosedale Medical Centre and allocated \$550,000 in annual operating funds. In research as well, the government has committed more than \$3 million over the past two years to support a wide range of projects at the University of Toronto, the

Hospital for Sick Children and the University of Western Ontario. The government has now devoted more than \$60 million in this area.

However, the most important component in the fight against AIDS is public awareness and education. To intensify the efforts in this area, five new languages have been added to the television spots: Chinese, Cantonese, Italian, Spanish, Portuguese and Greek. Broadening the program to include more and more of the cultural groups typifies this government's efforts in multiculturalism.

### 1630

Two weeks ago I had the privilege of attending the official opening of the Centre médico-social communautaire in Toronto with the honourable minister. Both for health services and other cultural services, the centre will become a focal point for some 70,000 French-speaking visitors and people in Ontario. The centre is expected to have a budget of \$1.3 million by the year 1992. These are the kinds of developments and efforts we see emerging in Ontario as a result of the French Language Services Act and the philosophy that encourages a shift to community-based care.

Our government has done a great deal in terms of legislation and system development, but perhaps our most important step has been to involve the people the system is intended to serve. This has been one of the most important objectives of the \$100 million health innovation fund. Identifying the cultural communities that can most effectively develop the strongest network of community programs is one of our highest priorities.

This process will take time, but we are confident that this emphasis on community-based programs will lead to improved health promotion and disease prevention. By achieving these goals, we will be allowing and encouraging hospitals to do what they do best, which is treating people in need of acute care.

I have listened very attentively to my colleagues in the opposition, especially the member for Windsor-Riverside (Mr D. S. Cooke), who criticized the government for the lack of funds towards the home care program.

**Mr D. S. Cooke:** No, I told the truth.

**Mr Grandmaître:** I would like to highlight a very important point the member has missed. Since the Price Waterhouse recommendations, I am happy—if the member will listen to what I have to say, I think it is very important. I know he is very interested in the progress that has been made through those recommendations. The



home care program or budget has increased by 24.9 per cent, very close to 25 per cent, yes, \$49 million.

I do not mind the opposition criticizing in a positive way. It is okay to be negative in front of the camera, but I think it is much more important for the opposition to work with the minister and the ministry and this government to provide the needed services our people are asking for. We could be criticized for the lack of acute beds or chronic beds, but I think it took a lot of guts from this government to say: "We will put a stop for now on creating more beds. Let's evaluate what is in stock and then we will move on."

I think we have proved this in the past. We have increased every budget, not only in the Ministry of Health but in social services and every possible budget you could think of. The efforts of this government in the past speak for themselves. I am very proud to be associated with this ministry. I know that I cannot become, and I am not professing that I am an expert because I have spent the last two or three months with the Ministry of Health, but I know that I will learn every day of new ways of doing better things to provide Ontarians with the best health care, not only in this province but in all of Canada.

We are quite proud of our system, but we will not stand still. We want to do more and we want to do it right. I think what we are doing today is the right way.

**Mr Hampton:** I am more than pleased to be able to take part in this debate today, because I think the record needs to be set straight for people across Ontario as to exactly what is happening.

For many people across this province, the Ministry of Health is no longer the Ministry of Health. To many people across this province, the Ministry of Health has become the Ministry of Propaganda, because about all it does is make short-term announcements, damage control announcements that are supposed to tell people, "Don't worry; things are being done out there," when every day the situation gets worse.

Since we are on the subject, let's just deal with home care. In my part of Ontario, the Red Cross homemakers program has talked to virtually every municipal and every provincial politician in order to bring attention to the dire situation of home care. In fact, as we all know, a year ago the Red Cross homemakers program was going to fold up its tent and leave people without a program. Why? Because the Ministry of Health and this government simply would not fund them adequately to do the job.

The minister sits over there and shakes her head. How quickly she forgets the rallies that happened on the front steps of this Legislature.

**Mr D. S. Cooke:** The VON did the same thing.

**Mr Hampton:** The Victorian Order of Nurses did exactly the same thing. The Red Cross homemakers and VON homemakers came here and said to this government, "Either you live up to your commitments, you live up to the promises you made so easily or we shut it down." They were sick and tired of taking flak for the government, of taking flak for the promises that were never fulfilled.

The minister put out a little money. This government put out a little money for home care, \$49 million, and it thinks that is a wonderful thing. They think that is tremendous.

Let's just consider what continues to happen out there. If we look at people who are working in the homemaker field, we will find wages of \$6, \$6.50, maybe \$7 an hour. People who are doing invaluable work in the health care field are being paid poverty wages.

The minister should try to raise a family and meet her bills and her financial commitments on \$6 or \$7 an hour. It is impossible today. But that is what the ministry is funding the homemaker program to the tune of. That is what it is doing. The minister says that is adequate. The minister brags about \$49 million being some great sum. The budget for the Toronto Hospital—that is, Toronto General and Toronto Western—is \$400 million a year. The government does not fund the home care program to one tenth of the level that it funds one hospital corporation in the city of Toronto.

The minister has the nerve to come in here and say that she is doing something wonderful, that she is doing something fantastic. No wonder people in this province are starting to refer to the Ministry of Health as the Ministry of Propaganda because that is all it is and nothing more.

Let's just go on from there. I happen to represent a part of the province that probably has the least in terms of health care services. Go anywhere across northern Ontario. Virtually every month, at least once a month since the last election, we have raised in this House the dire plight of communities across northern Ontario, the fact that there are not enough doctors. Some communities do not have any. Others have only one when they need five or six. There are not enough dentists. Some do not have any. There are not enough nurses. Again, some do not have any, some have barely enough to get along and

some do not have enough to get along. With speech therapists, it is the same situation.

When we raise these issues, the Minister of Health stands proudly in her place and says: "No problem. The underserved area program has it all under control," and then she rolls out some statistics that say the underserved area placed so many of these and so many of those.

Anybody in northern Ontario knows that it is no problem sending somebody up to northern Ontario to work as a doctor, a nurse, a dentist or a speech therapist for two months. Then they turn around and leave. Anyone in northern Ontario knows that is exactly what is going on, that the underserved area program is very good at bringing somebody in for six months or a year. They collect their tax-free money and then they go.

The Minister of Health calls that a solution. That is no solution; that is an appearance of a solution. That is about all this minister and all this Ministry of Health are offering, appearances of solutions.

#### 1640

The underserved area program at best is a Band-Aid solution. When we travelled across northern Ontario as part of our health care task force, we heard that in virtually every community. If you go to Thunder Bay and speak to the president of the university there—he is something of an expert in terms of northern health care and has written in academic journals around the world on the subject—and other members of his faculty, he will tell you that if you look from one community to another, from the eastern border of northern Ontario to the western border, the underserved area program is nothing more than a Band-Aid solution.

If you talk to the Ontario Medical Association's northern health care committee, it will tell you the same thing. They tell the minister the same thing. The minister tours northern Ontario and stands here and says: "No problem. Everything is under control."

I want to tell the minister that the one thing the underserved area program is very good at—it is quite useful—is that every month it generates a report for us that tells us which communities in northern Ontario are in dire straits, which communities in northern Ontario are really hurting. You can pick it up every month. It starts with Cochrane. The community of the Minister of Northern Development (Mr Fontaine) appears on the northern underserved area program list from time to time, or you go to Sault Ste Marie or Sudbury.

I see the member for Sudbury (Mr Campbell) is here. His community appears on that list quite often. You go to Timmins, Geraldton, Wawa, Marathon, Longlac, Hornepayne, Dryden, Sioux Lookout, Rainy River or Ignace. They are all on the list and they are always on the list month after month after month.

The Minister of Health calls it a wonderful thing when they get a placement for six months and they go off the list for six months. She chooses to ignore the fact that six months later they are back on.

It is apparent to everyone else in this province who is aware of northern Ontario health care issues that what is needed is structural change. The only person who is not aware is the Minister of Health. If she were aware, she would not offer up this soup and call it a solution every day.

The fact of the matter is, and it is a simple fact, that you can go to Lakehead University or Laurentian University, you can go and talk to the chairs of medicine at the medical schools across Ontario and they will tell you, "Yes, structural changes need to be made in terms of training for health care in northern Ontario." This government has been the government for four years. Nothing has happened. All it is offering is the same old excuses.

I want to indicate, though, how widespread and serious the problem can be. The minister says, "Because we have a nursing shortage in Toronto, it is an inconvenience for people from Toronto." I want to tell the minister that it is a much larger inconvenience for people in northern Ontario, because under our centralized system of health care, if you have a heart condition in northern Ontario and need to see a specialist, nine times out of 10 you are going to get referred to Toronto. It is not unusual that you are referred and then you receive a phone call saying: "Sorry. We cannot deal with you now. You have to wait three months." In three months, you get another phone call: "Sorry. You have to wait four more months." A year goes by and the person dies.

It is the exactly same situation with cancer. There are people in northern Ontario from one community to another who have died simply because the health care they needed was available only in Toronto through specialists. There is such a nursing and facility shortage that they cannot be referred. What happens? As I say, people have died. It is no wonder people across the province are starting to refer to the Ministry of Health as being not the Ministry of Health but the Ministry of Propaganda, because it offers up purported solutions, purported programs that are



supposed to solve these things and every day and every week the situation gets worse.

It is clear that we could go on about this issue for days and recite, chapter and verse, all the problems. I have mentioned just a few. I will leave it to some of my colleagues to deal with the many other problems.

**Mrs Cunningham:** I am pleased to have the opportunity today to share my concerns with the members of this Legislature as well as the members of the public.

When it comes to the delivery of health care service, I think basically the greatest disappointment on behalf of members of the public, whether they be patients, family members or professionals in the delivery of health care, is that this province does not recognize the real need for the delivery of health care.

We truly need a public debate with opportunity for public input on a very clear plan for the total delivery of health care services in of Ontario. We must devise a system to monitor and manage change. Any member of this Legislative Assembly who stands here today and says that everything is okay is just not truly representing his public in a responsible way. All of us recognize that we have members in our communities on waiting lists. We have members in our communities who would love to go home from the hospital, but have no health care support in their communities to go home to.

As we talk about the promise of 4,400 new beds some four years ago—it seems like 400 years ago, I am sure, to the communities that are waiting for them—we think of those hospitals that have been forced to close beds. We wonder where the support for this government will be next time around on behalf of the professionals as they watch it flounder, and then worse than that, stand up and defend its total lack of a health care policy for this province.

St Joseph's Hospital in London, which is responsible for St Mary's Hospital, is extremely disappointed and very concerned. It has architectural drawings for the improvement to the St Mary's facilities. They have given up asking for the beds they were promised. They are simply now demanding that the beds they have in those hospitals be improved and refurbished just to meet the basic minimal standards in our hospitals.

Those members who have visited hospitals across this province in their travels as they represent the public I am sure they have noticed the overcrowding of facilities. How do people

get better when we cannot provide facilities to support quality care for sick people?

It was extremely disappointing to listen to some of my colleagues in the House today talk about how it is okay to go to the United States for bypass surgery. That is exactly what was stated. I was shocked to hear that statement by a member of this Liberal government. It is not okay in this province, where we are looking at an increase of some 53 per cent in the last 10 years for the delivery of health care. By the way, the economy has only been able to produce an increase in the last 10 years of some 38 per cent or 39 per cent. We have said we will spend more money on health care, but when we look at those kinds of dollars, to say that it is then okay to go somewhere else: for X-rays we heard yesterday in the hearings on Bill 147, and now today we hear it is okay for bypass surgery.

It is really so extremely disappointing because there is much more to it than just the surgical procedure. The real quality-of-life issue here is the kind of support people get when they have just been diagnosed as having some form of cancer and they have to go somewhere else for their radiation treatment. The real issue here is the quality of life and support of the family when people have to go to other cities outside our province or outside of our country to get the kind of support we in Ontario should be providing with the dollars we are spending.

The bottom line is that we have a system that is mismanaged. If we were to go to the professionals and instead of confronting them, ask them sincerely for their support, we would get it. Right now, we are not getting the support. We are looking at waiting lists at University Hospital in London, and at promises to people who live in Windsor and all over southwestern Ontario that we would have more bypass surgery, probably by the number of 400 a year. We have none. We have had to cut it off. Today I had a member of my community call and say, "Dianne, is there anything you can do to get me higher up on the list?" It is extremely disappointing and it is very sad for me to stand today and listen to this government say that everything is okay, because it just is not.

**1650**

Mr Speaker, thank you for the opportunity this afternoon and I thank my colleague the member for Parry Sound for raising this issue so that members of the public can get to their members of the provincial Parliament and tell them where services can be improved and ask that this government take a look at the total health care

delivery, so that we can monitor and manage change in this province and that in the future our young people will have the same kind of services we have had in the past.

**Mr Campbell:** I would like to say a few words today about the government's efforts to attract physicians and other health-related professionals to areas that are currently underserved. This is an aspect of health and I know my friends across the way would want to listen intently to this because there are a lot of programs and a lot of aspects of this program that are very good.

**Mr Pouliot:** Show me.

**Mr Campbell:** I will, if you would just care to listen and be patient.

**Mr Hampton:** Pay attention.

**The Deputy Speaker:** No interjections, and the member for Sudbury will address his remarks directly through the Speaker, while there will be no objections.

**Mr Campbell:** My own constituents in Sudbury and virtually those of every member of this House who represent a northern riding—

**Mr Pouliot:** Near north.

**Mr Campbell:** My colleague across the way talks about northern Ontario. I am proud to be from northern Ontario, whether he thinks it is the near north or not.

There are some rural areas that face the same problem, but the problem is most acute in the north. The senior medical consultant of the underserved area program is Dr Claude Renaud of Sudbury. He accompanied a five-city tour last month which put representatives from 50 communities seeking health professionals in touch with the institution where they are educated. Ottawa, Kingston, London, Ontario and Hamilton were included in the tour.

It was the eleventh such tour and this year a special emphasis was placed on nonmedical health professionals such as physio and occupational therapists, speech pathologists and audiologists. The rehabilitation medicine field has grown considerably in recent years and establishing clinics and hospital departments with appropriate levels of staffing in these occupations is critical to their development.

Our government aims to ensure that every citizen of the province has a right of access to a consistent level of excellence in health care services wherever he or she lives. This means bringing practitioners to the north. Matching services to population needs is a problem because professionals tend to gravitate to urban areas. This is not exclusive to health professionals, but

it is more of a problem for health because all of the work cannot be carried out in executive centres. Health services must take place where people live. There will always be instances where a patient will have to travel to see a specialist, but we want to ensure that this happens less and less frequently.

In 1984 Premier William Davis promised that Sudbury would get funding to build the first cancer treatment centre in northeastern Ontario, but I stress it was our Liberal government that started construction in 1988. I would like to quote from the—

**Mrs Cunningham:** Good for you. Do you want to start again?

**Mr Campbell:** Just a minute, there is a quote that will interest the member for London North.

**Mrs Cunningham:** I was at that hospital; it's looking for an oncologist.

**The Deputy Speaker:** Order, please. No interjections and the member will address his remarks through the Speaker.

**Mr Campbell:** I would like to quote from the current president of the Sudbury branch of the Canadian Cancer Society. This is from an article in *Northern Life*, 15 October. He said: "I'm not blaming the government, because they finally did make the commitment. The Ministry of Health, the Ontario Cancer Treatment and Research Foundation and Ontario Cancer Institute will tell you that it takes time to complete things like getting funding, finding qualified personnel, designing and constructing the building."

He should know. He is the former parliamentary assistant to the Minister of Health under the previous government.

**Mr D. S. Cooke:** Who is that?

**Mr Campbell:** The former member for Sudbury, Jim Gordon.

**Mr D. S. Cooke:** Who was before him?

**The Deputy Speaker:** Order, please. The member will ignore the interjections and address his remarks directly to the Speaker.

**Mr Campbell:** Thank you, Mr Speaker.

The recruitment success of the underserved area program is making a difference. Nine hundred health professionals who have taken part in the program are now serving in several communities, including Ignace, Kapuskasing, Pickle Lake, South River, Smooth Rock Falls and Rainy River. Although the cash incentives were quite likely the initial attraction, after they



have given northern or rural living a whirl, many find that they quite like it and decide to stay.

In fiscal 1988-89, for example, a total of 130 bursaries of \$7,500 each were awarded to students in their last two years of training. Graduate physicians and dentists received up to \$40,000 in tax-free incentive grants over four years and rehabilitation professionals \$15,000 over three years. Included in the program are graduates and undergraduate physicians, medical specialists, dentists, physiotherapists, occupational therapists, speech pathologists, audiologists and chiropodists. I should add here that the Ministry of Northern Development cosponsors this annual tour.

It is important to note here too that the same principles have been applied to recruiting nurses to the north this year. This year, the Health ministry has created a nurses' bursary program, which annually will be providing up to \$1.5 million in grants to nursing students in their last two years. Also included in this program will be working registered nurses and registered nursing assistants in refresher or specialty training programs.

Interjections.

**The Deputy Speaker:** Order, please. Will all members respect the standing orders that call for one member at a time, please? There is enough time provided for all members to speak one after another as opposed to at the same time as all the others.

The member for Sudbury may proceed.

**Mr Pouliot:** He's almost illogical, Mr Speaker.

**The Deputy Speaker:** The member for Lake Nipigon has heard the Speaker well.

**Mr Campbell:** Thank you again, Mr Speaker.

As in the underserved area program, recipients must agree to work in a designated hospital site after their course is completed to qualify for the bursary. This program, which was announced Monday, will involve 200 students a year. This year, it will start with 100 students who will be awarded \$7,500 each. In the case of RNs and RNAs enrolled in refresher or specialty training programs, the hospitals will be asked to match the bursary funds up to \$3,750 per year. Our government is committed to providing an equal level of health care service and an equal opportunity to enjoy good health throughout the entire province.

**Mr Pouliot:** I am torn between voicing that indeed, like colleagues from all sides of the House, I am pleased to say a few words about

what has really been sins and litanies of omission when it comes to the stewardship of the health system in the province of Ontario.

My predecessor, or I should say the previous speaker, the previous orator, went on at great length to tell us about the virtues of the underserved area program. One would not wish to adhere to a philosophy and approach of this cynicism and refer to it as a dog and pony show, as a tombola, as a circus that has outlived its usefulness.

The people I represent, in the largest riding in Ontario, have been suggesting in a positive way workable alternatives to the minister to fill the void. We have a critical shortage of doctors; an ongoing critical shortage of doctors. We have a great deal of difficulty attracting them, we have more difficulty retaining them, yet when we go to the minister and voice our concern, the minister tells us we have enough doctors in the province of Ontario. She said that several times, to the point where one would have the impression that she is mesmerized by the main person in the ministry, Dr Barkin, that he becomes the main man, no matter that what he says goes from facts to the proverbial. We are told again that we have a distribution problem, that Mississauga has too many doctors while many communities in the north do not have any, so it is just a matter of distribution.

1700

Well, it is not. The very basic law of economics tells us that if doctors could not make ends meet, could not make enough money in Mississauga, they would very naturally and normally gravitate and go to the north; the invitation is there. Time and time again, the opposition has been accused of criticizing, of bitching for the sake of bitching, but not searching for constructive alternatives. At no charge, no extra fee, no parliamentary assistant's fee—and hell, there is no ministerial fee—I am offering right now to solve the minister's problem.

The way the minister solves the problem is as follows. There are many components. She invites foreign doctors, people with the same, basic medical requirements, to come to the remote, underserved area part of Ontario; people who would be willing to come for two, three, four, five years or maybe a longer term. She provides internships, for instance, for the Polish doctors; and we are all aware of what happened there. She lets the marketplace decide. We are not talking about flooding here, we are talking about fulfilling her mandate, which is

providing expertise where expertise is not only warranted but very well needed.

She has done it for bricklayers; she has done it for other fields of endeavour, with respect, whose function in society was not as fundamental; she has done it with die makers, but she will not do it for doctors. Why not? Is it to protect a cartel? Is it to guarantee a monopoly? Is it because of the influence of a certain college, of a certain association? Does the minister listen to those people or does she listen to the needs of the people in a riding such as Lake Nipigon?

Another thing the minister can do, and free of charge, is to make it more attractive to expose people to our special part of Ontario.

Interjection.

**Mr Pouliot:** Yes, having the first or the last two years, if you wish, of medical school established, for instance, in a place like Thunder Bay so that people would be exposed to the needs of the north, would be familiar with our climatic, with our geographical environment.

She should do those things if she does not have enough doctors. If she does not have enough doctors, she should place one ad in a British paper in which she appears with an immigration officer beside her and she says: "Please, we need you. You are most welcome." Almost overnight—it is that simple—she will have solved the problem.

When I was reeve of our small community of Manitouwadge, at the beginning of the efforts put forth by the Ministry of Northern Development and the Ministry of Health, I too availed myself of that opportunity to visit the five Ontario universities in an attempt to lure or attract people to come up north. Yes, to a certain extent, the underserved areas program did work, and my colleague the member for Rainy River (Mr Hampton) so eloquently made mention of that.

Since I have been elected, I have not missed consecutively for four years. I am quite aware of the ministry's attempt to put its best foot forward, but with respect, since the pool is almost dry and the needs are increasing, it is only partly filling the gap and yet it recognizes there is a shortage. It refuses because it does not have the political will to implement easy solutions that will have a lasting effect. The ministry knows I am right.

I do not want to take too much time. I could focus on all the lack of service for the schizophrenics. The days are long past since the people of Ontario, the Friends of the Schizophrenics, believed that associations such as theirs were a subculture to be found on the steps of the Eaton

Centre. There has been a certain evolution. We know what it means. Speech pathology is not a spelling exercise for the people at the primary school level; it is a service that should be automatically provided. Physiotherapy is not a manipulative exercise, for one would not have to leave the chambers; it is a real need.

In every field of expertise, there is a shortage in northern Ontario, and just as important is the condition. What the minister describes as second to none in the Dominion of Canada could be misconstrued as a lie. It is not my place, nor is it for me to say or to blame the minister for every pitfall. It would not be fair. But in 1989, when we do not have sewer and water services in communities of 1,000 people, or when 11 per cent of the people in the riding of Lake Nipigon have to go outside to the washroom at 40 below zero, we are talking about health. We are talking about basic components of sewer and water—not very fascinating but true. We are talking about 70-year-old people having to go outside at three o'clock in the morning if they want to go to the washroom—to use the full star or the half moon; you have a choice of two designs—not very nice but a fact of life.

We are not talking about transplants. We realize we have to go elsewhere, but we are talking about the basic necessities of life. When was the last time, in the area that the minister represents, that she saw big posters in nursing station after nursing station, telling her what to do, the rules to follow, in order to get rid of scabies. Does the minister have this in the riding of Oriole? She should come along for a little tour of the riding of Lake Nipigon. For 50,000 square miles, she will see—it is true; it may sound like the title of a song. She feels very uncomfortable. She starts shoving papers, expecting perhaps that I will be embarrassed, but one is not. One is not when one listens to the needs of people.

Time after time, members of the opposition have given the minister the tools to do her job. We went into her office with our ideas. They are practical. They are reasonable. They need not be costly; in fact, she would save a great deal of money. We have been raising our voices in frustration. How many times have we mentioned to her that in some communities on the shores of James Bay and Hudson Bay, communities of 1,000 people with the highest birth rate in the land, with no midwives, nobody who speaks the language, and 15 days before delivery the ministry ships everybody out. Where is the human dimension? I am trying to save the minister money and, more important, give a



chance to the people of the north to be like her in the sense of having the same kinds of services that she takes for granted.

**1710**

Again, the recipe for success to alleviate the shortage of medical services in the north is as follows: Make it possible for foreign doctors, based on Ontario criteria and qualifications, to immigrate. Let the medical marketplace decide. The minister will not have a doctor problem for too long. Create opportunities for people to study in the north so they will be more familiar with the people, the climatic conditions, the geographic location, etc. Last, offer a limited but reasonable incentive for communities which in turn could be passed around for doctors. It is very simple; maybe it is too simple, but it works.

On a scale from 1 to 10, I take no pleasure in saying that the minister has failed. She has failed in her mandate to deliver basic services for the people of our special part of Ontario. She deserves to be judged somewhat harshly. Not all is lost. She can begin now, today. I do not expect an apology in this kind of exercise, but she can begin today to change her approach, to alter her methodology, to do what the people are telling her.

We are not offended if we go into her office with our ideas and she comes out with her ideas via a press release two days later, because much more important—and this is basic—is the ultimate gift, the gift of health. There is no better way to gauge a society, if you wish, because if she does not do this it matters little whether all of us, none of us or some of us get re-elected. The minister has a chance; she is the steward here, and she can steer the ship in the right direction. I express the hope to the minister that what she takes for granted will become the order of the day so that we can join the health mainstream, if there is any such terminology.

**Mr Runciman:** It is a pleasure to participate in this important debate today regarding the failings of the Liberal government with respect to health care in Ontario.

I guess we have to talk, as a number of members have already done, about circumstances related to our own ridings or our own regions in the province. In the few minutes available to me, I want to talk about other aspects, although certainly in eastern Ontario we have felt the shortcomings of this government with respect to the provision of adequate services and facilities.

I want to talk a bit about the minister and the government. I respect the fact that this minister

has, if not the toughest job, perhaps one of the toughest jobs in the provincial government. She has a ministry that consumes in the neighbourhood of one third of the provincial budget. I am not sure what it is in terms of manpower numbers, but it is obviously the most significant ministry in terms of numbers of employees as well.

I guess my criticism of the minister and the government in terms of dealing with the very real problems facing health care is the way she and her government have handled it, in what I think is an ad hoc, seat-of-the-pants fashion. We see that typified in so many important issues in this province where this government seems to deal on a crisis-to-crisis basis, coming up with interim measures that perhaps can pacify the electorate until such time as we get through the next general election. That seems to be the approach of this government in so many critical areas.

The minister herself in this House, to the increasing irritation of not only members on this side of the Legislature but also the public at large, continues to provide nonanswers to very important questions and concerns. We get an almost constant barrage of what we like to describe as bafflebaggery from that minister. She will not deal with important questions or issues in any meaningful way. We had one example from my colleague earlier today with respect to a promise made by her predecessor. He did not get any kind of meaningful answer from the minister. I think people are becoming frustrated, tired, extremely agitated and very unhappy with the way this minister and her colleagues in the Liberal government are dealing with very important issues.

I would like to talk a bit about the government's failure to come to grips with the growing costs of health care. We have heard all kinds of shortcomings with respect to services, beds, etc. I think that at some point, somewhere, some government is going to have to come to grips with this. I am not confident that it is going to be a Liberal government, based on what we have seen up to this point.

The government some years ago, federally and provincially, created a monster that requires feeding with ever-increasing sums of money. During my brief tenure in Management Board of Cabinet, I know we were taking a look at the increasing costs of the Ontario drug benefit plan and how that had mushroomed in a very short period of time from something that originally was going to cost about \$35 million or \$36

million a year to well in excess of \$400 million a year.

If we look at the expenditure side, we see this minister apparently trying to do things, as I said, on an ad hoc basis—closure of beds, failure to meet commitments made in the past—instead of taking a look at her ministry and trying to achieve some really meaningful efficiencies with respect to what is happening. I do not believe she has a real handle on what is happening in her ministry, and that is understandable to some degree when you look at the size of that bureaucracy and at those individuals within that bureaucracy who are trying to protect their own backsides and their plush positions within the civil service.

I think the minister should be doing something with respect to perhaps cutting her ministry in half and dividing the responsibilities between other ministers. Something has to be done to allow it and the bureaucrats within it to become more accountable to the elected officials in this Legislature.

The minister has to do more with respect to the revenue side as well. I am not simply talking about taxes. This government has an insatiable appetite for taxes. We have seen a 101 per cent increase in taxes since this government came into office. I am talking about other, innovative ways, which I appreciate have some risk to them politically but which we all have to look at if we are going to be responsible in dealing with this.

I am talking about things like a built-in deductible, which may be on an annual basis, so that, as in any other insurance policy, there is a deductible applied so that the first X hundreds of dollars are the responsibility of the consumer going to the doctor, to the hospital or to receive whatever health care service is required.

I have been advised that I only have a few seconds. I think it is about time that this government came to grips with those very real problems and started dealing with them in a meaningful way. All of us are tired of the daily dose of sop which this minister administers to us in this Legislature.

1720

**Mr Reycraft:** I am very pleased to have this opportunity to join in the debate and speak against the resolution of my friend the member for Parry Sound.

I want to take a few minutes to talk about some of the initiatives undertaken recently in our health care system, initiatives started by my friend and colleague the member for Oriole and Minister of Health, in whom I have the greatest

of confidence to provide leadership for the health care system in this province.

One of the things we all have to do is to look at our health care system, and the other programs in this province, in a proper perspective. The health care system in Ontario is the envy of every other country in the world. We know that from what we read of what is written by others from many other countries. Certainly that is the case of our neighbours to the south, the Americans, who continue to look at the health care system here in Ontario with more and more envy.

There are some very good reasons for that. They look at our system of health care because it is cheaper than theirs. It is cheaper in terms of gross national product. The health care system in Canada costs something like 8.6 per cent of our gross national product; while that of the United States costs 10 per cent of their gross national product. It is cheaper if we look at it on a per capita basis. Here in Canada health care costs about \$1,500 per person. The American system of health care costs \$2,500 per person.

The system is certainly being looked at with great envy by their automobile manufacturers who are now talking about spending more for health care insurance premiums for their employees than they are spending on steel for their cars. Indeed, it is estimated that the cost of health care insurance premiums for American automobile manufacturers now totals some \$700 per automobile.

The cost advantage of the health care system in this country is not the only reason the Americans look at it with envy. It is also a system that provides broader coverage. In fact, on 1 January 1990, every Ontarian will have complete access to the health care system in this province without having to pay premiums to get that kind of access. In the United States, we know that some 37 million people there, way more than there are people in all of Canada, do not have any health care insurance. They do not have it because they cannot afford to pay the premiums.

But the fact that our system is cheaper and the fact that it provides broader coverage, are not the only reasons the Americans are looking at it with envy. I would like to refer to an article that appeared in the *Toronto Star* last 13 May, an article on the editorial page written by David Crane under the title *Americans Cast Eye Northward for Health Care*. . . . I want to quote one paragraph from that article. Mr Crane said this, "Not only is Canada's health care system cheaper than the US system, it delivers better health care,



as reflected in lower infant mortality rates and longer life expectancy in Canada."

So our system is cheaper. It provides broader coverage and it provides better health care to the people of Canada and certainly to the people here in Ontario.

The fact that it is a good system, though, is no reason for it not to be improved. As I said at the beginning, I want to take a few minutes to talk about some of the government's recent initiatives and I want to focus particularly on those related to health promotion and disease prevention.

That is an aspect of our health care system that is often overlooked when we talk about it and yet, if there is a single way in which we can improve the quality of health care for the people of this province and do it dramatically, I think it is in doing a better job of helping to reduce the need for people to get hospitalization and to get medical care.

Despite the importance of health promotion and disease prevention, it is true that most of our resources continue to be directed towards the treatment of disease instead of the prevention of it. I want to refer to an article that I picked up in my chiropractor's office just a couple of weeks ago. A statement in this article says that over 95 per cent of the nation's annual health care bill is spent on the treatment of disease.

I also want to point out that this concept of eliminating the need for hospitalization and providing more direction in terms of disease prevention and health promotion is not a new one. In this same article, there is a quote that I would like to read into Hansard. It goes as follows, "The doctor of the future will give no medicine, but will interest his patients in the care of the human frame, in diet, and in the cause and prevention of disease."

That quote is from Thomas A. Edison. I read that now to indicate that the concern about health promotion and disease prevention is not a new one; it is one that has been with us for some time.

The Minister of Health has undertaken a number of initiatives which will lead to greater health promotion. Certainly one of those is the introduction of the health promotion grants program. That is a program that will distribute seed and project grants to community-sponsored projects and other projects undertaken by district health councils throughout the province. Through that program, annual grants of up to \$50,000 are available for a maximum of two years and there are seed grants of up to \$10,000 available through the local district health councils.

Included in these initiatives are native community programs to fight alcohol abuse and to promote better nutrition. There are programs targeted at inner-city cultural groups and programs related to job-site projects to prevent heart disease and reduce stress. As well there are programs which deal specifically with low-income groups.

There are other initiatives that have been undertaken by this ministry to help make us healthier as a population, reduce the need for hospitalization and help keep us out of hospitals and doctors' offices instead of requiring treatment in them. But I know there are colleagues who want to comment in this debate and the time is running down.

Let me simply conclude by saying once again that I think this Minister of Health is taking the health care system of Ontario in the direction it needs to go. I have every confidence in her ability to provide the leadership that the system so desperately needs.

**Miss Martel:** Contrary to the previous speaker, I am having less and less confidence in this particular minister, and it gets worse every day I sit and listen to her respond in this House.

Because my other colleagues have spoken and my colleague the member for Riverdale (Mr Reville) has a few comments he would like to make, let me just deal in the next five or so minutes with two issues in particular in northern Ontario, things affecting my community, to which I think this minister has not responded. First, let me deal with the oncology beds, a question I raised in here on Monday.

I was very specific. I simply asked when the cancer treatment centre in Sudbury, and the hospital that is going to receive that announcement, can expect to get an approval of the funding of the 36 oncology beds. That is very specific, straightforward and easy to answer. The minister, in responding, danced all around the issue, danced all around the question, just as she has danced all around all the problems that have faced this centre in the last number of months.

Let me go back and remind members about the problems that my colleague the member for Nickel Belt (Mr Laughren) and I raised around Dr Ho, who of course was the clinician that we wanted to come to the cancer treatment centre to do the practical clinical work and to also head up the cancer research lab at Laurentian Hospital. He was the only person who applied for that position at the hospital.

We had to stand in this House and raise questions and make statements to try to convince

this minister that she should use all her good offices with the College of Physicians and Surgeons of Ontario and get this man a licence so that he could practise in our community. The fiasco around Dr Ho went on for months and months in this Legislature and it was totally unwarranted. It was only because of the pressure that I and my colleague the member for Nickel Belt brought to bear on this minister that in fact we were able to get a temporary licence for Dr Ho, and he will be practising in this province in January. Thank God that is going to happen at the Sudbury cancer treatment centre and thank God that he is going to be able to offer his good services at Laurentian University.

I have to say that just emphasizes the whole problem around foreign physicians and this government's total inability to deal with the question of the shortage of manpower specialists in northern Ontario and its complete inability to deal with the question of how we can allow foreign specialists into this country to practise in northern Ontario.

The problems in northern Ontario around specialists are not going away and they are not getting any better with the minister's underserved area program, which is a farce on wheels. In fact, it is high time that this government moved seriously and slapped its friends on the wrists over at the Ontario Medical Association and the other people who are putting these kinds of practices in place, and said: "If we cannot get the specialists from southern Ontario to move to northern Ontario then we will allow foreign doctors who want to practise in the north to do that. We will not hold the people of the north hostage any more when it comes to health care."

### 1730

Let me go back to the oncology beds, because I was so frustrated with this answer. Let me just tell members why. The people in Sudbury have contributed for many months now a great deal of money and a great deal of time to support this centre. They have raised millions and millions of dollars in our community to put this centre in place and it has been a long battle on the part of some very dedicated people since 1979 to try and make this place become a reality.

We are waiting. We have the physical structure going up. It will be fully completed by November 1990, yet we are waiting approval from the minister to actually put the oncology beds which are needed in the facility in place. Neither the hospital nor the cancer treatment centre have been advised when the funding is going to be approved, when in fact we can expect

to move some of those beds in there so that people can be fully serviced. When I talked to the hospital this week, they advised me that even if the funding was granted tomorrow, if the minister decided to come in here and answer me straight and the funding was granted tomorrow, in fact there will still be a six-month delay between the time the centre opens in November 1990 and when the centre will be fully operational. That is because of the delay we have already had.

The good Minister of Northern Development who has just walked in was in Sudbury with his colleague the Minister of Health and there was not a word on this matter. There was dead silence. That is too bad, because it would have been a great opportunity, lots of publicity. Lots of the media were there waiting for an announcement on the beds and we got nothing. I do not know why the two ministers in total did not have something better to tell the good people of Sudbury when they were there. It was great to cut the ribbon, it was great to lay the cornerstone, but when it came right down to approval of the beds, they were not there, and they should have been for the people of Sudbury. It is a shame they were not.

Let me say that I think it is high time that this government came clean with the people of Sudbury. We have waited for many months. There have been many discussions, many meetings, a letter that went again four weeks ago from people from the hospital and the oncology department, asking when in fact the funding for the beds was going to be provided. I do not think it is too much to ask. We have the physical structure in place and no beds, and it is high time that we found out when the funding was going to be approved.

The second issue I want to deal with in the time I have, concerns the northern health manpower committee that was established by the Minister of Health in June of this year. Of course, it was a repeat announcement of an announcement that was made in November 1988, which was not acted upon in November 1988. Anyway, it was reannounced again in June 1989, got some more press, got some more front page coverage, etc., and in fact the minister has set up this wonderful committee to deal with manpower shortages in northern Ontario.

Now, I have seen the list of people and they are very good people. They are dedicated, they know far more about northern health care than this minister or ministry or most of my colleagues combined, and I have no problem talking about



their professional qualifications. However, I have to ask, how many more studies are needed in this province to deal with the question of manpower shortages in northern Ontario? How many times are we going to go around the bush, beat the bushes, try to get more information and come back and say, "Yes, we have a problem in retaining physicians, we have a problem in attracting specialists, but we still do not have any solution or any willpower to do anything about it"?

The underserved area program which was put in place is not a long-term solution. It is a Band-Aid, and it is not even a good Band-Aid any more. You can talk to some of the communities that are out recruiting now offering houses, offering cars, offering anything they can to try and get people to come to their community, because their communities have not had specialists for months now and may not if they cannot attract a physician on this particular tour.

The whole point of the manpower committee really underlines to me the fact that this government refuses to deal with the issue seriously. We have said and we have raised in this House on many occasions as a result of our health care tour what the problems are, and that it is our view that the government needs to have more internships in northern Ontario, needs to deal seriously with the question of a northern health school if we are going to attract and retain people, but this government refuses to listen.

I am afraid that even though we have very good people on that manpower committee, the whole purpose of the committee was to delay the issue even longer and to buy the government more time. We are not going to address the problems of shortages in northern Ontario until this government really sits down and adequately deals with the situation.

So I say to the people on that committee, I wish them well. I would be interested in seeing if the government actually takes off on any of the recommendations and does something about the shortages we have. I highly doubt it, given the performance so far.

Mr Speaker, there are many more things I can say, but I would like my colleagues also to have a few words. I thank you for allowing me to participate in this debate.

**Mr Mahoney:** Mr Speaker, I have enjoyed some of the comments today, but I must tell you that a couple that I heard I would like to just take a minute to reply to before I go into some of the details of my speech in the limited time that I have.

I was particularly interested in the member for Lake Nipigon and his comments about some of his constituents having to use an outhouse. It reminded me of the story of the former mayor of Caledon when we were discussing an issue of pay raises and he said that the last pay raise he got he carpeted the bathroom and with this pay raise he was going to run the carpet all the way up to the house. I only tell the member for Lake Nipigon to assure him that he does not have to go as far north as his constituency to find communities with outhouses that are being used on a regular basis.

The member for London North (Mrs Cunningham) I am sure has been in a few woodsheds in her time and will be again, I am sure, as well. The member for London North made a very interesting comment which I think really focuses on the message that we, as members of the government, would like to put forward in regard to this somewhat less than complimentary and tedious, negative resolution very diligently put forward by the member for Parry Sound. Her comment was that we must find ways to monitor and manage change. Really, that says it all and that is exactly what I believe this ministry and indeed this government are attempting to do.

I would like to say a few words about some of the changes the government is planning for our system of long-term care. The members of this House may recall that in June a joint communiqué of the Ministry of Health, the Ministry of Community and Social Services, the Office for Senior Citizens' Affairs and the Office for Disabled Persons indicated that a draft plan would be introduced this year.

I am personally pleased that such a plan is indeed being prepared and should be in place in 1990-91. My colleague the Minister of Health, along with the Minister of Community and Social Services (Mr Beer), will be providing details of that plan in the very near future, but I would like to touch just on a few of the basic principles in the short time that I have.

Our government, acting on the advice of the long-term care task force, plans to create fundamental changes to the system of long-term care for the elderly and people with physical disabilities. Close to a million people will be affected by the changes to the system and, before I go any further, I would like to assure them on behalf of the minister that their current levels of services will remain in place during this transition period.

The most fundamental change to the system will be single entry access to care services. The new system will provide the necessary care for

each individual through one single program. The necessary services will be made available whether the individual lives at home, in a community home or in an institution. This objective is very much in keeping with our philosophy as a government of making services fit people, rather than people fit into the services.

I should point out also that the system will encourage the use of the least-intensive care suitable for that person's needs. Our citizens prefer community care to institutionalization, as they have shown all around the province, and we are confident that we can make our community care system work to keep people out of institutions.

The reforms will be guided by principles which will maintain the independence of individuals, families and care givers, strengthen community support systems and improve the management of the system. The family, as this government has shown in the past, will be a cornerstone of the long-term care system that we envisage. Many people receiving long-term care services will be at home, and by strengthening long-term care services the family's ability to provide care through flexible respite services, for example, we will be postponing the need for more intensive institutionalized care. Most important, we will be helping individuals maintain themselves in the surroundings where they are most comfortable.

1740

At this point in time, Ontario has the greatest opportunity to implement comprehensive reform of the health care system. The greying of our population, which you can see more and more every day in this room, points to a potentially overloaded institutional care system, if indeed measures are not taken now to change our approach to health care.

Our province's population, with about 11 per cent over the age of 65, is only slightly above the national average of 10.6 per cent. When you extrapolate this demographic picture to the year 2006, there could be as many as 1.5 million Ontarians in need of care. As much as 80 per cent of the funds the health care system will spend on everyone in this room in our lifetime will indeed be devoted to the last two years of our life.

So the challenges of changing the system and our approaches to care are really quite enormous. Our present system of long-term care, which is managed in part by both the Ministry of Health and the Ministry of Community and Social Services, took several decades to evolve, and Ontarians indeed have been well served by it.

Our government plans to continue building on the strengths of that health care system by providing health care to people as close to their home as we possibly can, with a very strong emphasis on delivering health care right within the community.

**Mr Reville:** I am happy to conclude the opposition day on behalf of the New Democratic Party.

You will not be surprised to learn, Mr Speaker, that as the Health critic for the New Democrats, I daily get an extraordinary amount of input from people and groups in Ontario, some of which is so fraught with despair that it is very difficult for my staff and for me to cope with. An average day sees my office virtually inundated with concerns expressed by people for whom the health care system is not, in their view, an object that should be the envy of every country in the world.

It was the member for Middlesex (Mr Rey-craft) who used that expression in his remarks, that our health care system is indeed the envy of every other country in the world. That makes me want to respond on occasion by saying, "God help those other countries," because it is not an answer to say that the dollars per person that we spend in Ontario is appropriate. That is an answer, but it is not an answer that comforts a person who does not get served by our health care system.

How many dollars, Mr Speaker, do you think Ms Lacroix would have paid to make that critical care hotline that could have delivered the care she needed? How many dollars? Of course, an incalculable amount of dollars.

For instance, this very day I have what is a resolution from the Haliburton county area, which is very much grist to my daily and weekly mill. This relates to a need identified in the Kawartha-Pine Ridge district by the Haliburton, Kawartha and Pine Ridge District Health Council in 1980 for 15 chronic care beds. Here it is 1989. The number was revised in 1985 to be 18 beds. Estimates were done. The project remains on hold.

The member for that area, it appears from this call for action resolution, a Liberal member, has advised the Minister of Health that "The government of Ontario has welched on a commitment to the people of Haliburton county." That is what this document says from those people.

This morning off the fax machine comes a media release, "Abuse Begg Investigation and Advocates for Vulnerable People." This is about the atrocities that were committed on psychiatri-



cally disabled and developmentally handicapped people in Cedar Glen in Orillia, and the operators of that home to which people were sent by the Queen Street Mental Health Centre are now in jail where they belong. But this is an operation of the Ministry of Health, funded by the Ministry of Health, referred to by the Ministry of Health, clearly not regulated by anybody, and so vulnerable people were beaten and abused over many years until finally the culprits were brought to book, and not by the Ministry of Health.

I have a call today from a woman who had breast surgery. She has been referred from Princess Margaret Hospital to Ottawa. She has to go to Ottawa each week for five weeks. The Canadian Cancer Society will pay an amount of money for travel and meals that will cover one week. She has to stop her work in the meantime. This is now a common occurrence for about 90 cancer patients and untold others.

I have today a document from the Ontario Public Service Employees Union: "Mental Health Care in Crisis; Ontario's Psychiatric Nursing Shortage," a crisis that was identified in 1986 by a joint Ministry of Health-OPSEU task force looking at staffing complements of our psychiatric hospitals. This is just in today's mail, and it is just a sample.

We in this country have got a social contract, a social contract that says, "Your access to the health care that you need should not be based on how much money you have." Yet as the system begins to creak and in some areas breaks down completely, we are going back to a system where those who have the money travel outside of Ontario to get health care because they can pay for it and they get it when they need it, not as close to home as possible but when they need it. Regrettably, we are finding the government's rhetoric in this regard more and more less realistic and less believable.

**Mr Brandt:** I join in this debate with some degree of frustration, which I know is shared by many members of the opposition as we talk about the very critical issue of health care and the quality of health care in this province. I would like to begin, if I might, by congratulating my colleague the member for Parry Sound, who sits on my right. I think congratulations are in fact very much in order when one recognizes that in a very succinct and, I think, very direct motion before this House, my colleague has outlined some of the very serious problems related to health care in the province of Ontario.

Today during question period I had the opportunity to bring to the attention of the

minister, I believe, one of the issues that really focuses very directly on what we consider to be wrong with health care in this province: the lack of management, the lack of administration. The lack of any clear-cut planning and direction are of concern to us.

Now this is going to sound like partisan remarks, I know, to the minister, and I am glad that she is in the House to hear these comments. Certainly, I would not join in a partisan debate in this House and indicate to the minister anything that I did not know was completely and unequivocally true, but let me just say that, with respect to the matter that I raised today in regard to the Perley Hospital in Ottawa, I think it points out very clearly why this government is in very serious trouble with the matter of health care and the quality of health care in Ontario.

The Perley Hospital has been told very directly to do a number of things in a letter which has been sent from the minister—the minister's office, to be more clear—to that particular hospital. One of the things they said was, "Don't talk to the media." That was in the letter. Second, they said, "Don't shut any beds." Third, they said, "We'll get back to you with respect to the problem you are trying to face in connection with your operating deficit."

#### 1750

That hospital has been put on hold, I say to the members of this assembly, because there is a promise out there, made in 1986, about additional beds that would be provided in the Ottawa area and relieve some of the pressure on the Perley Hospital. The Perley Hospital, as the minister well knows, is operating at absolute capacity. That hospital is not only having difficulty with respect to a two-year waiting list, but is also having serious problems in connection with the deficit I advised the minister of earlier today during question period. That deficit is now some \$800,000 in terms of bank borrowing and is going up at \$10,000 a week. It is becoming more critical and more serious with each passing day.

Here is the problem with the health care system in Ontario. You write a letter to the ministry and you say: "We're caught in a catch-22. We don't have the money to keep all the beds open." We well know, as members of this assembly, that a hospital operates quite differently from most businesses. If you operate a variety store, a clothing store or a shoe store, the more business you get, then the more profit you make. With a hospital, the more customers, the more clients, the more patients who pass through its doors, the higher its operating deficit.

Here we have a hospital that is operating absolutely at capacity, is told not to close any beds and is not advised of what is happening with respect to any additional funding that would be forthcoming from the ministry. It is told to simply wait, that all will be well. I raised the question with the minister today. I asked her a very simple question, and that question was, "When does she plan on responding to a letter sent to her in May?" This is November, and since May she has not had the sensitivity or the thoughtfulness to send them a letter saying, "Yes, we will fund you," or, "No, we won't."

I clearly heard her say yesterday, in response to a number of questions, the word "partnership" about six times. She indicated in her speech today that we want to put together a partnership of health providers so that we can have a strong community-based system and so that we can have a strong institutional health care system, and yet one of these operating partners cannot get a response from the minister, in the mail, to what I think is a very serious question, namely, what are they supposed to do?

All the good planning, all the surveys, all the meetings she proposed to have at some point are not doing any good when it comes to a hospital that has no idea what future direction she is going to take. My colleague pointed out in his transportation study that what we have in Ontario is traffic gridlock; in addition, we now have medical gridlock in Ontario. We have people who are on waiting lists and people who have to go out of the country, as has been pointed out to the minister. We really do have a two-class system of health care, something no one in this House wants to promote and something no one in this House wants to suggest is the direction in which our health care system should be heading.

Those who can afford to travel, those who can afford to leave the country, can go elsewhere to get health care. They can go to the United States, to the Detroit or Cleveland or wherever that health care may be available, but they cannot get health care in their own province because it is not available here any more.

When the minister looks at the tremendous pressures that are coming upon this system, how can she stand in her place and say that the health care system is improving? She knows full well that she has taken fully 2,000 beds out of the system, beds that have been forced to close as a result of her funding policies. Not only has she not lived up to her commitment to create 4,400 new beds, of which 3,000 were supposed to be chronic care, but she has not even kept the beds

open that she inherited at the time the government changed hands.

I tell the minister that it is simply not good enough that we have 2,000 closed beds in this province. It is not good enough that she has broken her promise of 4,400 new beds that were supposed to be constructed. It is not good enough that Ontario citizens have to go to the United States now for health care and heart surgery. It is not good enough that the Victorian Order of Nurses and the Red Cross have to come to this government, hat in hand, to provide community-based services. It is not good enough when a hospital cannot get a letter answered. It is not good enough when people have to remain on waiting lists indefinitely trying to get the type of treatment that they are paying for and that they have become accustomed to in Ontario.

I tell the minister that it is time to shape up in that ministry, to start really creating a partnership with the health providers in this province and put health care back on the standard of care and the quality of care that the people of this province were accustomed to before she became the minister.

**The Deputy Speaker:** Pursuant to standing order 40(g), the time allocated for this debate has now expired. Is it the pleasure of the House that Mr Eves's motion carry?

**1800**

The House divided on Mr Eves's motion, which was negatived on the following vote:

#### Ayes

Brandt, Bryden, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Harris, Jackson, Johnson, J. M., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Pollock, Pouliot, Reville, Runciman, Sterling, Villeneuve.

#### Nays

Adams, Ballinger, Beer, Bradley, Brown, Callahan, Campbell, Caplan, Chiarelli, Cleary, Collins, Conway, Curling, Daigeler, Elston, Epp, Ferraro, Fleet, Fontaine, Furlong, Grand-maitre, Haggerty, Hart, Kerrio, Keyes, Kozyra, LeBourdais, Lupusella, Mahoney, Matrondola, McGuigan, McLeod, Miller, Morin, Nixon, J. B., Nixon, R. F., O'Neil, H., O'Neill, Y., Oddie Munro, Owen;

Pelissero, Phillips, G., Polsinelli, Poole, Ray, M. C., Reycraft, Riddell, Roberts, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Stoner, Sweeney, Tatham, Velshi, Ward, Wong, Wrye.

Ayes 24; nays 60.

The House adjourned at 1805.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
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**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
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 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
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 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
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**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
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 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
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 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
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 Leone, Laureano (Downsview L)  
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Miclash, Frank (Kenora L)

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Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

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O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

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Pelissero, Harry E. (Lincoln L)

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Polsinelli, Claudio (Yorkview L)

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Reville, David (Riverdale NDP)

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Sullivan, Barbara (Halton Centre L)

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Velshi, Murad (Don Mills L)

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**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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 Beer, Hon Charles, Minister of Community and Social Services  
 Black, Hon Kenneth H., Minister of Tourism and Recreation  
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 Collins, Hon Shirley, Minister without Portfolio

### PARLIAMENTARY ASSISTANTS

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 South, Larry, assistant to the Minister of Mines (Frontenac-Addington L)  
 Stoner, Norah, assistant to the Minister of Colleges and Universities (Durham West L)

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General government: chair, Mr Pelissero; vice-chair, Mr Furlong; members, Ms Bryden,

Messrs Charlton, Cureatz, Mrs LeBourdais, Messrs McLean, J. B. Nixon, Ms Oddie Munro, Messrs Sola and Velshi; clerk, Franco Carrozza.

Government agencies: chair, Mr McLean; vice-chair, Mrs Marland; members, Messrs Breaugh, Farnan, Fulton, Kozyra, Lupusella, J. B. Nixon, Owen, Pope and South; clerk, Harold Brown.

Legislative Assembly: chair, Mr Epp; vice-chair, Mr Campbell; members, Messrs Breaugh, Brown, Eakins, Farnan, Faubert, J. M. Johnson, Kerrio, Sterling and Mrs Sullivan; clerk, Deborah Deller.

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Dietsch, Fleet, Lipsett, Mrs Marland, Messrs McGuigan, Miller, Pouliot, Riddell and Wiseman; clerk, Lynn Mellor.

Social development: chair, Mrs O'Neill; vice-chair, Mrs Fawcett; members, Mr Allen, Mrs Cunningham, Messrs Elliot, Grandmaître, Henderson, Jackson, R. F. Johnston, Keyes and Mrs Stoner; clerk, Todd Decker.

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### SPECIAL COMMITTEE

Parliamentary precinct: co-chairs, Hon Mr Edighoffer and Mr Epp; members, Messrs Breaugh, Reyecraft and Sterling; clerk, Smirle Forsyth.

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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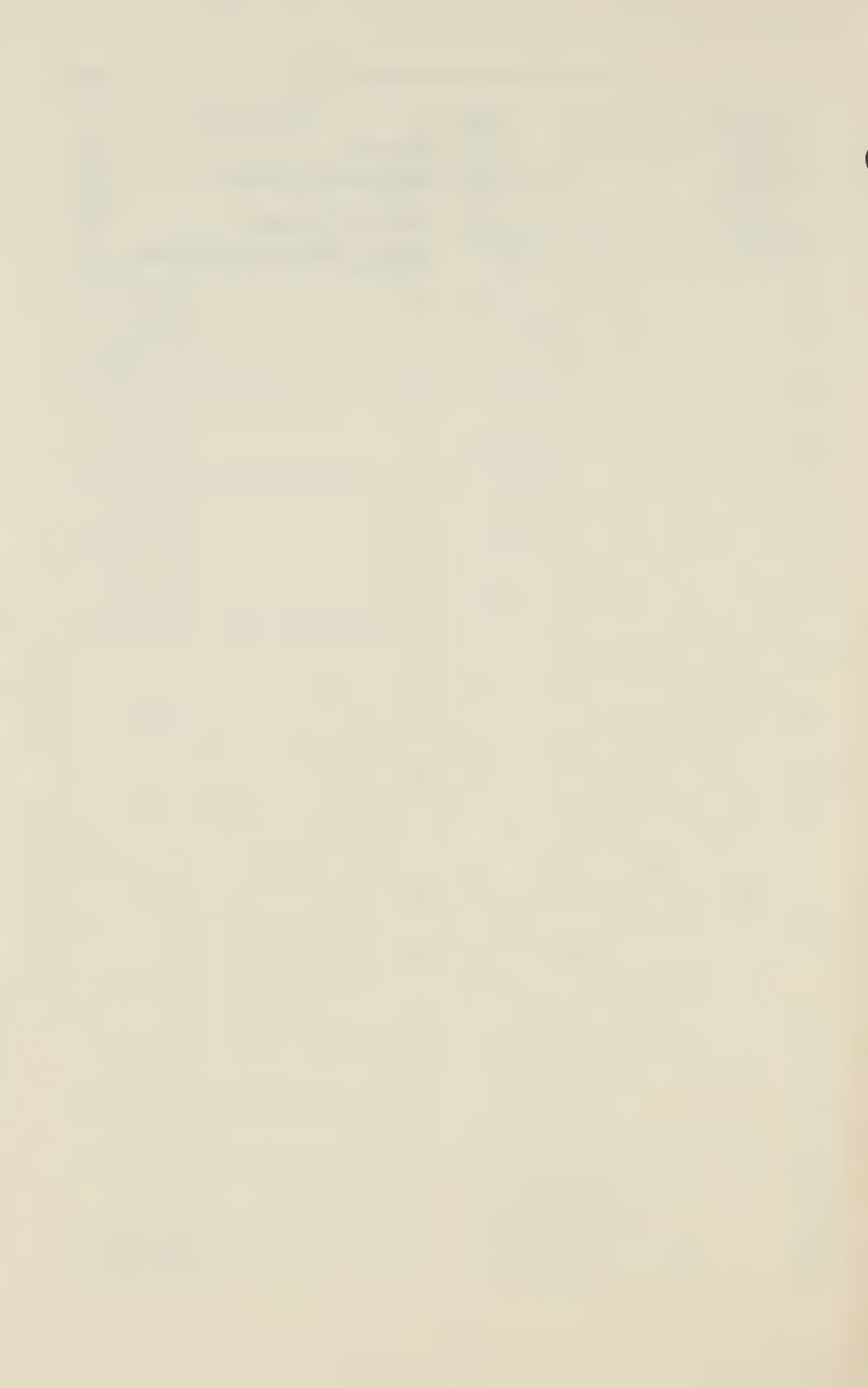
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No. 63

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Thursday 2 November 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 2 November 1989

The House met at 1000.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### NATIVE POST-SECONDARY EDUCATION

Mr Hampton moved resolution 21:

That in the opinion of this House, the government of Canada should be condemned for its recent policies regarding native education, and its failure to restore the funding of native education to a level which will ensure that all native persons who want to enrol in a post-secondary program of education will have the financial resources to do so; and calls upon the government of Canada to open negotiations with first nations representatives to establish a process which will provide adequate funding for native post-secondary education in the future.

**Mr Hampton:** I have put this motion before the House because despite the fact that native education is generally regarded as coming under the sphere of the federal government, I think that it is perhaps one of the most important social and economic policies and, as well, one of the most difficult social and economic policies of the day.

I have brought this resolution forward not to castigate the federal government for its native post-secondary education policies. Rather, my task is to try to lay out the rational groundwork as to why this House should send a strong message to the federal government regarding its policies and to try to lay out the rational groundwork why the federal government's policies must change.

My argument is fundamentally this: If the condition of first nations people, not only in Ontario but across the country, is to improve, it will not improve as the result of government, whether it be the provincial government or provincial governments or federal government distributing a program here or a program there to native people.

The lot of first nations people will improve if they are given the opportunity and the opportunities to improve their own conditions. Put more specifically, if first nations people are given the opportunity to enhance their educational resources, to enhance their capability of control-

ling their own livelihood and of controlling their own futures, then we will do more in doing that than we can do through any other program.

For example, the province of Ontario has acknowledged that it has some responsibility now in terms of assisting native people with recreation programs, of assisting them in terms of community infrastructures. These are all useful programs, but I would argue that their effectiveness will be severely limited if the capacity of first nations people to develop the skills that are needed in the 20th and 21st centuries is denied. Fundamentally, that is what is happening with the new post-secondary education policy that has been announced by the federal government earlier in 1989.

It is only recently that first nations students have had the opportunity and the encouragement to attend post-secondary institutions. If you look at the history of native education in terms of the residential schools, I would argue residential schools contributed to cultural genocide, which basically in the most blunt terms turned first nations youth off of education altogether.

It has only been a short time since those kinds of elementary and secondary schools have been done away with, and after they were done away with, first nations youth became turned on to education. So it is only since the early 1960s that more and more first nations young people have attended post-secondary universities. It is only in the last 20 years that first nations people have had the encouragement, both socially and financially, to enter post-secondary institutions.

It is only in the last 15 years that we have seen a number of graduates, graduates in law, in business, in social services, in education. Indeed, it is only probably within the last 10 to 15 years that we have seen parole officers of native ancestry, police officers, nurses, lawyers, public administrators, financial managers, all of the things that are necessary to enable first nations people to assume the proper control over their own lives and over their own social and economic development. That kind of development, educational development, social development, economic development, was provided for and encouraged by the kinds of financial



incentives that were there for first nations young people.

What the policies that were enunciated in the spring of 1989 do, however, is to severely limit the funding that is available and at the same time, they limit the circumstances in which it is available. The primary problem with what the federal government is doing is this. The federal government now says in its 1989 policy that there will be so much money set aside each year for native post-secondary education. If more people apply for the funding than there are funds available, then those people who come last in line are deferred. Imagine that. You are simply told, "Defer your life for a year. We will look at your plan in a year from now. Defer your life. Defer it for a year. Defer it for two years."

The obstacles which first nations people must overcome in terms of getting to a university or a community college are unbelievable: the social barriers, the cultural barriers, the financial barriers. I do not think I need to repeat in this House that if you do an economic profile of Ontario society and Canadian society, you will find that native people are among the poorest, if not the poorest. First nations families, by and large, depend on seasonal incomes, seasonal work, that this government's own record in terms of promoting employment for first nations people is not an enviable record, and if members want to see how bad that record has been, check and see how many first nations people work for the Ministry of Natural Resources in northern Ontario, or how many work for Ontario Hydro, or how many work for the Ministry of Transportation and Communications. Very few—too few.

**1010**

So that barriers that young native persons must overcome in order to get into a university or a community college in terms of social, cultural, educational and financial are overwhelming. But then for the federal government to say to them after they have overcome many of these barriers and they have applied for funding: "Sorry, you have to defer your plans for a year. You defer your life for a year. Come and talk to us a year from now." That is an unforgivable statement to make to young first nations persons who want to enhance their own educational skills and enhance the educational, social and economic opportunities of their people as a people. It is an unforgivable statement to make.

But not only is that an unforgivable statement to make, the new policy does not contain financial capacity for things like career counselling. One of the things which a young first

nations person would most likely need in terms of moving into a community college or moving into a university is career counselling. "Help me. This is all new to me. This is all strange to me. I have never encountered this before. Help me get some bearings. Help me find my way." There is absolutely no funding available for such things. It is as if you throw somebody out on the ocean with a raft and say, "I hope you can swim. I hope you can stay on the raft. We are not going to give you any paddles, we are not going to give you an oar to help you find your way, no compass." That is absolutely unforgivable.

The other thing which this new policy does is that it sets strict limits on how long you can have funding for a given diploma or degree course. Let me give members an example. If you have a three-year BA program, someone who comes out of a nice middle-class high school in a nice middle-class town in southern Ontario might have no problem in completing a three-year BA program in history or economics or whatever you have. They may already have their career counselling in front of them before they leave high school, their goals are determined and away you go. There are no social barriers to overcome, no economic barriers; no cultural barriers. It may take a native person four years to complete that program, or three and a half, yet the funding is limited. In terms of the government of Canada—

**The Speaker:** The member's time has now expired.

**Mr Hampton:**—and in terms of Ontario, this is an important resolution which we must take a stand on and we must send a message to the government of Canada on.

**Mr J. M. Johnson:** I do not intend to speak on this motion. Our member for London North (Mrs Cunningham) is speaking for our party and she is in committee now, so could we waive her turn and the London North member could speak at a later—

**The Speaker:** I will remind the member, the standing order says that each party has up to 15 minutes to participate on a rotational basis, so I think that would be within order.

**Mr Miclash:** I would just first of all like to thank the member for Rainy River for bringing this most important matter before the House. It is a great honour to speak on behalf of the Liberal Party in favour of his motion. There are two things I want to take a look at during my speech today. Both of them involve the federal government.

First of all, I do believe, as the member has stated, that the federal government in some way is maybe sloughing off a little bit of its responsibility, and that is to allow for an adequate education for native people, an adequate education that will allow them to compete on an equal footing with their non-native counterparts throughout the country.

I also think that the federal government has maybe acted in a little bit of a paternalistic way where it has had very little input from our native people. Most of the native people were not consulted themselves to find out how important, as the member has stated, this post-secondary education is to their people.

As well, I would like to say that I honestly believe it is a treaty and constitutional responsibility of the federal government to take care of the educational needs of our native people.

As members know, I am from a riding which contains 23 reserves and a population of about 10,000 native people. I have lived in the riding all of my life. I returned to the riding as an educator and as a counsellor with the Kenora Board of Education and, therefore, have worked very closely with native people, in a high school setting, ready to go on to a post-secondary setting. I cannot tell members how important it is to those native people that they get the proper funding to continue on with what they want to do in life.

I must say as a member I have visited all of my reserves and have seen that people on the reserves are not happy with, as I mentioned earlier, the paternalistic view of the federal government in making work projects for them and contributing to their welfare payments.

As we know, unemployment, as the member stated earlier, is a very high statistic on our local native reserves and in some of my reserves, we are looking at unemployment rates of 80 to 90 per cent. It is something that we want to combat and I feel through post-secondary education we can take a look at combating some of these figures.

As the member has stated, before the March 1989 changes were introduced all native people from high school who were accepted into post-secondary institutions were allowed to go ahead with their plans, and now we put it on a priority system, a priority system that is not allowing all of these people a right to gain that post-secondary education.

I mentioned treaties earlier. When we take a look at the treaties, we find that the federal government is responsible for the education of the native people. When we take a look at a

treaty, we must interpret it in today's times, the standards of today. We know that today it is very difficult for a native person or any person in society to get ahead with their ambitions and their goals with some sort of post-secondary education.

The former member has mentioned that these people are determined to go forth with their self-government, are determined to go forth with an education system within their own society. I think, in order for them to keep pace with some of these feelings and some of these goals, they have to be a partner in society and in order to be that partner have to attain these higher sights than just secondary education.

We know that our neighbours, our native people, are striving for these two goals and, as I mentioned, their own government. In order for them to get into their own government, a government that would work in conjunction with both the federal and provincial governments, they are going to have to receive some of this higher training, higher education and, as well, their own educational systems.

We know that native people are quite proud of their heritage and quite proud of what they have done in the Canadian mosaic in the past. They would like to retain this culture and it is through education that I feel they will do this.

Let me go on and talk about the obligation of the federal government to fund this right to education. In order for these people to fulfil their dreams and for this to become a reality, these costs must be looked at. If we take a look at the costs, we can take a look at it in two ways.

We can take a look at it in actual cost where we put a student through a post-secondary institution for roughly five years on average; that is the average for a degree; we are looking at approximately \$7,200 a year. However, if we take a look at keeping that same person, without dependants, as a single on a welfare system or a handout dole system, we are looking at approximately \$300,000 to put that person through life.

As I mentioned, I have had a lot of personal experience in watching native people go through secondary school and then post-secondary institutions and then return to their people and help out, whether it be an educator on a reserve, an administrator, a social worker, a police officer, whatever. The difference in the person is exciting. It is truly exciting to see somebody who is able to go back and use a post-secondary education to help their people.



The other cycle that I have seen on the reserve is the welfare cycle, which is a cycle that goes from generation to generation and is a very difficult one to break. I feel, as a former educator, that often the cycle is broken through education. It gives a person a goal, something to reach for and, again, I feel this is very important to our native people.

I just might quote Chief George Watts who stated that, "the real changes are happening because our people are going to university and taking their skills and using them, with the knowledge of our old people, to start to make meaningful changes in our community." I must emphasize that real changes are happening because his people are being educated. How can the federal government not see this, not realize this among our native people?

The former member also touched a little bit on the provincial government's assistance in native education. As you know, today our OSAP is open to all students across Ontario and all students have an equal opportunity to go for that assistance. But I must agree with the former member that we are looking at people who have to readjust to a society that maybe they are not used to. A person from a middle-class society who has gone through a regular secondary education does not need that extra counselling, maybe that extra push, that our native people are in need of.

I always look at education as either a "pay now" or "pay later" scheme. I suggest that either we educate or we continue on that cycle that I mentioned earlier. As well, we see that there is no lack of desire among our native people. If we take a look at 1960, we had 64 native students in our post-secondary institutions across Canada. Today that number has risen to 15,000 native students, something that I say speaks very well for their culture, their people, and something that I know that they want.

As the member stated, however, the new system is going to limit that funding. What we have found out is that there is a good possibility that come September 1990, we will be looking at 1,000 native people who will be turned away from our post-secondary institutions because of that limiting of resources for them.

I talked about the paternalistic attitude of the federal government. When you talk to native people, you find out that they were presented with this concept, this idea, as a fait accompli. They were just told; they were not consulted. They were told, "This is the way it is going to be." I do not think that is fair to our native people

and I think that is a strong point where there has been a true lack of consultation with them. As I say, they want and they deserve what others in this country have, and I really feel that they will look for a secure future and a fulfilment of their dreams and aspirations. To do that they will have to continue to push for more funding from the federal government.

Just in closing, I would again like to thank the member for Rainy River for bringing this issue forth. It has given me an opportunity to speak on behalf of some of the people in my riding and to present their views, along with my view on this very important matter.

**Mr Pouliot:** I too join in supporting the private member's ballot item placed in Orders and Notices by the member for Rainy River.

If ever there was a human rights problem in Canada, it is with the native peoples. This is what the Canadian human rights commissioner had to say following the most recent decision of Pierre Cadieux, the Minister of Indian Affairs and Northern Development, to limit the federal subsidies for native post-secondary education. He calls it an example of the litany of misunderstanding. That is what he refers to the decision as.

The Canadian government has chosen to deny, to cap, to put a ceiling on, to limit spending on native education, more specifically on post-secondary native education, while being fully cognizant, very much aware, that the traditional economies can no longer fulfil the daily needs of the first nations. In order never to assimilate but to integrate and to cope with technological changes of a modern era, you need an education. The current dollars that the minister would forward towards that goal are an investment in the future, not only for natives but for the Canadian society as a whole.

One need not do a lot of research to acquiesce that if you are a native person in Canada today and if you do not have an education, you are much more likely to end up in jail than any other person in Canada. The certainty that you will not get a permanent job is real, for jobs are at a premium in remote and desolate communities; or if you do happen to get a job, you will get a very low paying one. You will be poorer than the poor and you will marry what you are, by and large. The cycle will continue.

Society will have to pick up the tab, both emotionally and in dollars, of an even higher rate of substance abuse, mainly alcohol, and a higher rate of suicide. Despair, no belief that tomorrow

will be better than today: that is the alternative, that is the cost.

Everyone needs an education. It is one of the sacred gifts, one of the ultimate gifts in society: the right of access. The people cannot do it. They do not have any money. They need their future recognized with an investment today, not a major investment but an investment to say, "Give us the tools to defend, to survive and to cope in society."

I was paid a compliment last June. I was invited as the guest speaker at a graduation exercise in the township of Nakina. The township has a small elementary school that welcomes people from Aroland, which is a native community nearby. Consequently, the majority of graduating students at the Nakina school were people from Aroland. They were natives. I remember so vividly, as if it were yesterday, as if it were now. The people just filed in during the graduation procession, standing proud, and those were grade 8 students, standing tall indeed.

I recall the valediction oration, and it spoke exactly about the right to an education. For a moment the people who sat rigid, erect, proud, representing what is the best in people, which is the achievement of an attainable goal, saw the future with unlimited confidence.

They did not have much. The little paper hats were exactly that; they were little paper hats and there were no silk linings. Some of them had running shoes. There is nothing wrong with running shoes—you get good wear—but for a graduation exercise—it mattered little because they had so much to look forward to.

They did not take anything for granted and they were clutching, hanging, their little diplomas. They could go back home; they were community leaders. The whole community felt it was impacted by young men and women graduating from grade 8. The ramifications were enormous. This was an achievement. Somebody had arrived. Somebody had made it. Somebody was to be like the others: a community leader.

With high respect for my distinguished colleague, I would like to conclude by saying that in terms of human dimension and in terms of doing our job, when we read every word on the resolution, we do not have to search long and hard, because this is what it is all about. That is why we are here. We are here to endorse the resolution. We are here to put clout on the government and say: "Respect the treaty rights. Respect the deal that you made with the forefathers. Put your best foot forward. Say yes to education."

## 1030

**Mr Jackson:** I rise today to support the resolution on native education and to support my friend and colleague the honourable member for Rainy River. As all members of the House can appreciate, education has become a central key in the unlocking of a future for members of an ever-increasing technological and industrially modern society. As the pace of that development quickens in this province, so does demand for greater and more specialization in how we deliver that education.

Today it is a commodity much sought after by all of our citizens, not only because it promises employment and it offers empowerment for groups that have not had it, but also because it has opportunities for our citizens to take greater control over their lives. As we deepen our awareness of our surrounding environment and the society we live in and as we get a better sense of the history of this province, we learn to develop our own capacities for original thought and insight as we come to understand ourselves in relationship to our history and to our people.

The resolution, therefore, that we are debating today has to do more with our understanding of our founding peoples, of our native peoples, and their desire to obtain the special key to their future, which is education and which is just as central to them as it is to all other Canadians.

Our native peoples have never been given the educational opportunities promised them in the original treaties signed in the last century. The treaties promised schools on the reserves themselves, together with paid teachers. However, native children were shipped off to residential schools where they were exposed to great pressures to assimilate culturally with mainstream society, where they were forbidden to speak their native languages, where they were forbidden, quite frankly, to have the intimacy with their own families as they sought our interpretation of their educational needs.

By the 1960s, in this province only 3.4 per cent of natives had ever even finished high school education, while a very tiny minority—the statistic is frightening—ever went on to university. But with the development of the federal post-secondary student assistance program, there were, in 1977 and 1978, more than 3,500 native students enrolled in universities, with 15,000 enrolled by this year. At approximately \$9,000 per student, which is spent under the terms of the program, this number has driven its budget up to \$130 million.



Unlike other programs which were created to help our native peoples it is very clear that this program works and this program is successful. It has meant employment to nine of 10 graduates among our native graduate pool of 1,000 for last year and for this year alone. It has meant tremendous relief for native women who often suffer lower employment with poorer opportunities for career advancement than any other single group in our society because, of those 24 to 44 years of age among native women who are on the experienced labour force and did not work in the 1980s, their proportion was 5.3 times that of non-native men and 2.9 times that of native men.

This program has proved that, with a little support from the government, support that this government is bound by treaty to provide anyway, our native peoples are more than capable of breaking free of poverty and lack of economic independence which have traditionally limited their own self-actualization. Not only are excellent native leaders being produced with the help of this program, but as Robert Rosehart, the president of Lakehead University, said, good role models for the native community are being produced as well. In his words, probably you could find a few examples of abuse; like any other government program, it's not perfect, but it is accomplishing things.

Yes, it is accomplishing things and yes, we could find a few examples of abuse if we choose to look at that. But the overall positive impact of this program on our native community, which is truly for the original people who founded this nation, is such that it deserves continuing support from every single member of this House.

When I say from all of us, I also include the Liberal government of Ontario. I say to the Minister of Education (Mr Conway), where are his educational priorities with respect to our native community in this province? Are he and his Premier (Mr Peterson) content to sit back and let others totally do the work which they should be taking an initiative in as well?

At a time, for example, when this government is busy promoting heritage language education in our public school system, there are three native languages that domestically are part of our culture, and our culture alone, here in Ontario, that are at risk of being lost not only to Ontario and Canada, but to the whole world. We could lose those languages because there is no concerted effort to save and preserve them. There seems to be a serious contradiction in the value that we put on that culture which our native people so

rightly cling to and they so rightly respect, but we are losing it.

What I believe this government should be doing, quite frankly, is funding specialized teacher training for those teaching in Metis and aboriginal languages for their students, while boards should find specialized in-service training to assist in the development in that regard. I also believe firmly that a department of aboriginal studies should be established, possibly at the Ontario Institute for Studies in Education, known as OISE, with both federal and provincial funding, to study and promote that native culture and language which somehow we seem frightened to help preserve.

In addition, we should be looking at ways in which to put local control of native education back into the hands of the native community itself. What our native people are concerned about is that the recent announcement of the cap on this program, the \$130 million budget, could lead to the turning away of as many as 2,000 native students from universities and colleges, students who have the desire to continue their education into post-secondary levels.

This is also something which all other Canadians should be concerned about. Let us make no mistake. In the words of Grand Chief Georges Erasmus: "Canadians want fairness to native people and they just want to know in return that natives are not abusing the system." Conversely, all Canadians should know that our native people do not want something for nothing. Their culture is in possession of values of individual effort and providing one's worth, values which we hold in admiration as well.

The native peoples did not ask to be placed in the cycle of poverty and misery that we somehow have put them in. What they ask is some help to move out of it, and to date they have more than proved that they, as native graduates, can join the Canadian economic mainstream in ever-increasing numbers, to be followed by other native students who are inspired by their example to study, to graduate and to seek economic, social and cultural independence.

One argument that is advanced against expanding this program's budget is that the treaty signed more than 100 years ago did not cover post-secondary education. But it must be remembered that when the treaties were signed, something like a post-secondary education was not nearly as important for living in society as it is today.

I think it can be readily accepted that post-secondary education, whose future impor-

tance to our citizens was either unforeseen or irrelevant to the social conditions of that time, should indeed and must be considered an integral part of what is implied by the term "education," as ratified under the terms and conditions of those old treaties. To do otherwise would be to play a cruel game of semantics, all to the detriment of the social wellbeing and of the relationship with our native peoples. This we simply cannot afford to do. We cannot do it as Canadians with a sense of our own history and our own social responsibility.

#### 1040

The expansion of this program's budget will prove much more costly than the already burgeoning welfare budget of about \$350 million that goes to our native people, but their message to us is that they do not want to be on welfare. They want to go to school and then they want to work.

What kind of example will we be showing them if we renege on legitimate responsibilities sworn to in treaties and established by custom to help our native people, in effect to help them help themselves, and if indirectly we help contribute to the continuation of that vicious circle of poverty and misery? It must be broken.

I therefore support my honourable colleague's resolution and commend him for coming forth with it on behalf of native peoples and, I know, for a group of constituents he holds very dear to his heart.

Let us invest in our native peoples' future. It is an investment that is fiscally responsible. It is an investment that brings solid returns and rich dividends to the native students, graduates and indeed the entire native community. It is therefore a great investment in our province and in our nation.

**Mrs Cunningham:** It gives me a great deal of pleasure to stand in the House and have an opportunity to speak on the importance of native post-secondary education in our province and in our country. The only comment I would make on the resolution is that I would rather censure the government than condemn it. It is just a word that I feel is more appropriate under the circumstances. I know that to get change we are going to have to work with our federal partners as far as possible and this is our opportunity to send a message to them today.

The Conservative Party, of course, is addressing the resolution put forth by the member for Rainy River with regard to the government of Canada's recent policies regarding native education. I have a very strong personal conviction

about the importance of education for all people across our province and our country. I believe education is essential for one to compete and progress in a modern and technological world, but I also believe in fairness, in a level playing field for all our students.

I think there is a much deeper issue here at hand today and that is the matter of how native education is perceived and how we deliver it. We are all mistaken if we think it is comparable to the experience of the children of middle class families across this country. My children grew up in a culture that stressed education and were encouraged throughout their education by family support that we would hope would be possible across our country, but we recognize that many native students do not have this support. They need this support and we would be foolish to look the other way. They need support in every way. When they have the courage to come forth and ask for it, we should give it to them, and it does take courage for any member of our society to say: "I am different. I have not had the same kind of opportunity and I need it," especially our native students.

Twenty-seven per cent of all Canadians go to university, but only four per cent of natives do. The numbers speak for themselves. Just saying that they can get student loans and go to university will not do. They need more. Grants are an encouragement, but loans are a debt burden few students enjoy assuming, a burden that may turn and does turn native students away. As a matter of fact, it turns all students away. The debt load of university graduates in our province is something we should all be ashamed of. There has to be a better way of supporting our young people who need our help, the kind of help that we, as members of this Legislative Assembly, ought to be fighting hard for.

Funding native students could be justified purely as sound economics. The Nielsen task force reported that 90 per cent of natives who attend university find employment whether or not they graduate, and that is wonderful in itself. Yet the national average for native unemployment is 55 per cent and as high as 90 per cent. Which 90 per cent do we want? Do we want to pay welfare for 90 per cent of the native population or do we want them to attend university and live in dignity? Do we want them to be able to pay their own way some day and have some hope in their own education and an education for their children?

Our vision is very shortsighted in this province and in this country. Education is not just for



today; it is for ever. When only 20 per cent of natives finish high school and only four per cent finish university, why should we even have to consider a change such as has been proposed by the federal government? We need a level playing field for all our students, but especially for our native students.

**The Acting Speaker (Mr Cureatz):** The Speaker humbly apologizes to the honourable member for Port Arthur (Mr Kozyra) on missing the rotation.

**Mr Kozyra:** It is my pleasure this morning to stand and support the resolution as well. My 40 years in education, 17 in the classroom as a student and the rest as a teacher, have impressed upon me tremendously the importance of education in all its levels, so it is with pleasure that I support this resolution which strikes at the very heart of some of the problems.

I am proud of the fact and the role that the two higher levels of education in Thunder Bay, Confederation College and Lakehead University, play in furthering the cause of native post-secondary education. In the Thunder Bay situation, though, on the negative side, the one that must be addressed, is the fact that we have over 10,000 natives in Thunder Bay, many from northern reserves and many facing tremendous difficulties of adjustment. In a fast-paced society that is economically and educationally driven, these people, as indicated by the member for Rainy River, suffer from tremendous social adjustment difficulties that we can only begin to comprehend. These cutbacks by the federal government to the post-secondary program only make that matter worse.

There is a critical need for more education. Less education or a slowdown contributes tremendously to problems like illiteracy, unemployment, welfare, hopelessness and destruction.

I would like to read from a letter. This letter is an open letter sent to the Prime Minister of Canada. These social conditions were described for the native population of Canada:

The proportion of Indian children in institutional care is five times the national average. Education: 20 per cent of aboriginal students complete grade 12 compared to 75 per cent for other Canadians. The income of native Canadians is 50 per cent of the national average or less. Unemployment runs between 35 to 90 per cent, depending on the size and location of the community. Violent deaths are three times the national average and infant mortality runs at 60 per cent higher than the national rate.

The irony of the cutbacks to this program is that what the federal government saw as the need for cutbacks was based on the success of the program. It is a strange reaction to a successful program.

I would like to read from a letter in which the Minister of Indian Affairs and Northern Development, Pierre Cadieux, the federal minister, explains the rationale for these cutbacks. I would like to point out the irony and the tragic paradox here. He says:

"Dear Chiefs and Councils:...

"The post-secondary student assistance program is widely recognized as one of the most successful programs my department has ever undertaken." So far so good.

"The number of post-secondary students has increased from about 3,500 in 1977-78 to some 15,000 in 1988-89." So far so good.

"This extraordinary growth in student numbers has caused the post-secondary budget to expand from \$9 million to \$130 million." Now, there is the rub.

The federal government chose to focus on purely financial aspects to cut back on a very successful program. Rather than taking a look at the whole picture, rather than recognizing what an important step this was, what tremendous progress socially and educationally was being made by the native Canadians and emphasizing that, it chose to focus strictly on the budgetary implications and decided to have the cutbacks.

I think they misread the situation. I think that rather than seeing this as a problem, they should have seen it as a tremendous opportunity, a challenge and an opportunity. I think they missed their chance, but it is not too late if we can convince them to go back.

## 1050

What kind of impact does this federal decision have? It continues to impose 1987 ranking criteria. It continues to impose a 12-month Canadian residency clause. It restricts the level of tuition support to students attending private or foreign schools and it restricts the level of travel assistance. It caps the level of assistance for living expenses. This capping of the overall program funding results in (a) reducing the number of students able to attend post-secondary schools and (b) forcing Indian administrations to reject student applications during an academic year.

It imposes new and harsher time limits to complete degrees. It eliminates doctoral level assistance when assisted for a master of arts degree. It imposes federal interpretation of

self-government and economic self-reliance on students. It forces Indian administrations to give student statistics to the federal government for a national database instead of an Indian-controlled database. It forces Indian administrations to reduce the level of funding for students. There are all these negative implications of these cutbacks.

In the limited time that is afforded me, I hope I was able to show that rather than cutbacks, what is needed is an augmentation of the funding for post-secondary education.

**Mr Wildman:** I want first to congratulate my colleague the member for Rainy River for bringing this matter before the House. It is a most important one and of crucial importance to the future of the native community, the aboriginal people and the first nations of this province, as well as the whole country.

I want to say at the outset, though, hopefully without sounding as if I am preaching, that I am a little disturbed about the tone of the debate. While I welcome the comments of many members, I think language is important whenever you are dealing with any topic, but particularly when you are dealing with matters that relate to race and ethnic groups. It is important to understand the nuances of language. I think it is unfortunate when members of this House or members of the white community refer to the native people as our native people in the same breath as condemning paternalism.

I think it is important to recognize that the first nations signed treaties with the white government, the crown, and that under those treaties a number of things were guaranteed. One thing that was guaranteed was education sufficient to allow the members of the first nations to prosper and to compete.

That has been open to interpretation. The federal government historically has always taken the position that this treaty right initially only applied to primary education, and then to secondary education as well. The federal government has never accepted post-secondary education as a treaty right, but rather as some sort of gift that white governments can extend or curtail.

In 1964, there were only 60 aboriginals enrolled in post-secondary institutions. It was not until 1975 that an exclusively post-secondary education assistance program was established by the federal government. Now we have the current policy that was instituted this year, the program my colleague is referring to in his resolution. He pointed out that under this program, a certain budgetary level will be set and if there are more

students than anticipated, those students at the bottom of the list will have to defer their education for a year or two. Also, limits have been placed on the length of time that a student can take to complete his or her studies.

As my colleague the member for Port Arthur pointed out, essentially what has happened here is that we have a successful program, a program where large numbers of students started to take advantage of the possibility of post-secondary education to the point where that 60 had grown to 15,000 or more by last year.

In essence, what has happened is that when the cost grew to over \$120 million, the federal Conservative government said: "This program is too successful. It's costing too much. We have to cut back." It was not until the enrolment of aboriginals in post-secondary educational institutions increased dramatically that the government suddenly said, "It's costing us too much."

Even if you think just in terms of dollars and cents, this is false economy. Many speakers in this debate have argued about the cycle of poverty that too many native people in this country experience. Surely any politician or bureaucrat concerned about fiscal responsibility should recognize that by investing in education, by helping students to gain the tools that will make it possible for them to compete individually and collectively in our society and in our economy, we will be saving money in the long run.

It costs enormous amounts of money in social and economic breakdown because of the fact that too many aboriginals in our society do not have the skills they require to compete in a modern society. Give them those skills and the native people of this country will compete with anybody in our society. But it is not enough for us to stand here and say, "Somehow we have to do things for our native people." They are not our native people. They are the first nations of this country and they deserve the treaty rights that were guaranteed them when they gave up the land so that we could settle it.

We have to recognize what the white man's purpose of education of Indian people has been right from the beginning and I think we have to say it clearly. The purpose of education of Indian people in our society has been assimilation. The purpose has been to eradicate the Indian culture from our society, and that is why Indians, aboriginals, have not done well in our education system. Is it any surprise that the people of the first nations would reject our education system



when it was designed to deny everything that was important and dear to them?

Give self-government. Recognize self-government. Guarantee self-government. Give our first nations, the people of this country who deserve it more than anyone, the right to control their own affairs, particularly their education. Extend to them the resources they require and they will compete and do well and we will learn from them.

**Mr Hampton:** I want to thank all my colleagues who spoke on behalf of the resolution—my colleague the member for Lake Nipigon (Mr Pouliot), my colleague the member for Algoma (Mr Wildman), the member for Kenora (Mr Mclash), the member for Port Arthur, the member for Burlington South (Mr Jackson) and the member for London North. I thank them all for their eloquence and for taking the time they obviously have taken to look at this issue very seriously.

I want to conclude by restating the theme of my argument. It is simply this: The federal government's native post-secondary education policy, as enunciated in the spring of 1989, is the epitome of shortsighted social and economic policy. The 1977 policy on post-secondary education assistance for first nations people permitted 15,084 first nations people to attend post-secondary education institutions in 1988-89. From those 15,000 students will come many of the leaders of tomorrow's first nations communities and organizations.

The first nations people do not want something for nothing from the federal government or from the provincial government. They want only the opportunity to control their own cultural, social and economic destiny. One of the keys, and I would argue the greatest key, to gaining control of this destiny is education. The \$120 million spent by the federal government on native post-secondary education assistance in 1988-89 is very likely the most productive spending the Department of Indian Affairs and Northern Development engaged in in that year.

**1100**

I want to repeat what many of my colleagues have said here today. The federal government has a choice. It can fund native post-secondary education assistance so that more and more first nations people may get the kind of training, the kind of education, the kind of skills that everyone will need in the 20th and 21st centuries. In doing that, I am convinced they will return to their own communities and they will improve their own communities. They will provide the guidance,

the skills, the leadership that their own communities want, need and have asked for.

First nations communities do not want us to attempt to guide them. They do not want us to tell them where they should go and what they should try to achieve. We have been doing that for 100 years and it is a policy that has met with abject failure, and failure that every non-native person in this country should be ashamed of. To continue to provide the support that native people want in terms of post-secondary education assistance would be the most enlightened policy that the government of Canada could ever put in place.

I want to send a strong message to the federal government today. The message is this: Think again. Do not cut off your nose to spite your face. Do the right thing. Do the good thing in terms of social and economic policy and fund native post-secondary education and we will all be better off because of it.

#### ONTARIO WATER RESOURCES AMENDMENT ACT

Mrs Marland moved second reading of Bill 61, An Act to amend the Ontario Water Resources Act.

**Mrs Marland:** It gives me great pleasure to move second reading of Bill 61, An Act to amend the Ontario Water Resources Act. I wish it were not necessary to debate this bill today, not because I do not enjoy the process of debate, but because it is disturbing that steps proposed in my private member's bill have not already been taken.

I expect it will surprise members of this House, as it surprised me, to learn that there is no mechanism currently in place to ensure that bottled table water, whether spring, distilled, treated or demineralized, meets provincial standards for drinking water. More and more Ontarians are consuming bottled water.

In 1987-88, sales of spring water in Ontario expanded 58 per cent. Indeed, I expect many of the members who are taking part in this debate drink bottled water, trusting that such water is free of bacteria, toxic chemicals and taste of chlorine. However, bottled water is not subject to the Ontario drinking water objectives.

Before I speak specifically about my private member's bill, I want to state that the bill does not deal with the broader issue of provincial standards for tap water. That is a topic beyond the scope of this debate. I want to state for the record that I have every confidence in the public water supply. My family and I drink tap water, not

bottled water. However, we cannot ignore the fact that many people are consuming large quantities of bottled water, a commodity for which there are no provincial standards. These consumers of bottled water must be protected.

The purpose of my private member's bill is to ensure that all bottled water sold in Ontario meets the minimum requirements of the Ontario Water Resources Act. The bill also provides the authority to make regulations governing water dispensers used to dispense bottled water.

I would like to provide the House with some background information on the bottled water industry, the consumption of bottled water and the status of the relevant legislation. This background will put into perspective the bill before us.

The bottled water industry currently has two major components. The largest component which markets bulk water primarily serves people who question the purity of tap water or who do not like its taste. This bulk water is used for everyday drinking and cooking and is packed in large plastic jugs or larger carboys. The second component includes sparkling and nonsparkling waters, which are largely substitutes for soft drinks and alcoholic beverages. Finally, there is a third and minor component: mineral waters with reputations for alleged restorative powers.

Bill 61 was drawn up primarily to regulate the large market for bulk bottled waters, since these waters tend to be a substitute for conventional public drinking water supplies and therefore may be consumed in substantial quantities. The marketers of bottled water range from small family businesses utilizing local spring water sources to larger firms such as Nestlé Enterprises Ltd of Toronto, which holds the Crystal Springs label in Ontario. The majority of companies are small businesses that serve limited local areas.

The bottled water industry in Canada is still young. The national value of this industry has been estimated at \$110 million and the volume of bottled water consumed is approximately 210 million litres. By province, the largest market is in Quebec, followed by Ontario, whose accounts total 28 per cent of Canadian sales.

As I mentioned earlier, the Ontario market is growing rapidly. In 1987-88, spring water sales grew by 58 per cent. The bottled water companies have established an industry group, the Ontario Bottled Water Association. The OBWA is very concerned about protecting the public safety and the industry's image from amateur or unscrupulous operators who would take advantage of the current growth potential in demand for

bottled water. Therefore, the OBWA is also anxious for the Ontario government to develop regulations for bottled water.

In Quebec, where the popularity of bottled water developed earlier than in Ontario, the provincial government enacted laws and regulations in 1974 to control a market rife with abuse and ignorance. We must take action in Ontario to ensure that a similar situation does not arise.

The only regulations governing bottled water in Ontario today are under the Canada Food and Drugs Act, revised statutes of Canada, chapter F-27, which as amended provides for the regulation of prepackaged water and ice under part B, Foods, division 13. Basically, the federal regulations require that mineral water or spring water be from an underground source but not a public community water supply and be potable, free of coliform bacteria and not chemically altered. Labelling requirements are included, relating to source location, total mineral content, fluoride content and any added fluoride or ozone. Definitions are also provided for distilled, demineralized and carbonated waters.

Local health units are charged federally with the responsibility for inspecting food processing plants. Therefore, the health inspectors will inspect water bottling plants and spot-check the products in retail outlets. These checks are primarily for bacterial levels. Federal inspectors may also do spot checks.

#### 1110

At the provincial level, as I have pointed out, there are currently no laws relating to the quality of bottled water. Ontario drinking water objectives apply only to public water supplies which provide water for domestic purposes and serve more than five private residences. The only Ontario control which applies to new sources of water for bottling relates to the need for a permit to take water if more than 50,000 litres per day are to be withdrawn.

No water quality information is required for a permit to take water. As well, the Ministry of the Environment could not prohibit the taking of water based on water quality factors. In any event, such a permit is not required if less than 50,000 litres is to be taken daily.

Therefore, at present, bottled water quality is regulated only by federal requirements, much like any other food. These regulations are not enough.

The federal regulations do not, for instance, require that springs be free of dangerous substances beyond coliform bacteria. Nor do they require that the springs be removed from sources



of pollution or that they be protected from any risk of accidental contamination. They do not provide for sufficient inspections of the product and production facilities and, finally, they do not go far enough in defining the various classifications of bottled water. In Quebec, for instance, there are regulated designations of mineral water, spring water, treated water and demineralized water.

In drafting a bill to correct the omission in the current Ontario Water Resources Act, the legislation that exists in the province of Quebec, as well as in the United States jurisdictions, specifically at the federal level and in California and New York, have been studied.

The bill before us would add bottled water to the drinking water supply to which the act applies. It would also expand the regulatory authority under the act to include: (a) prescribing standards for water that is sold in sealed containers or packages; and (b) governing the manufacture, repair, service and sale of water dispensers other than water dispensers that are connected to a municipal water supply.

It is important that these standards be prescribed by regulation rather than by statute because of the speed and flexibility required to develop, implement and adjust the standards.

The Ontario Bottled Water Association has already developed a model bottled water code and would be happy to work with ministry officials to ensure that thorough regulation of bottled water becomes a reality.

In closing, I want to emphasize the urgency of immediate action to ensure that the bottled water consumed by the people of Ontario meets appropriate standards for purity and quality. Bill 61, the Ontario Water Resources Amendment Act, provides the means to this end.

**Mr Adams:** I am delighted to be able to participate in this debate, particularly because one of my colleagues on this side of the House is the member for Scarborough Centre (Miss Nicholas) and, as all members of the House know, she has unparalleled experience in the waters of Ontario.

The proposed bill of the member for Mississauga South (Mrs Marland) certainly has some merit. Increasing numbers of Ontarians are buying and consuming various brands of bottled waters for a variety of reasons. They may believe they are buying a pure source of water or they may simply prefer the taste of carbonated water over tap water. Frequently, bottle water is consumed in restaurants as a noncalorie, non-alcoholic drink. Certainly, as the member says,

the public is entitled to feel confident that the quality of bottled water is at least comparable to that of tap water.

Bottled water, as the member for Mississauga South said, is regulated in Canada by the federal Department of National Health and Welfare which is responsible for its examination, analysis and control. The federal food directorate of the health protection branch checks bottled waters for compliance with federal regulations. They define spring water as potable water from underground sources or springs, not municipal waters, containing less than 1,000 milligrams per litre total dissolved mineral salts. Mineral waters contain in excess of 1,000 milligrams per litre total dissolved mineral salts.

According to federal criteria, these waters may be produced domestically or imported and may be ozonated prior to bottling. Aside from carbonation and fluoride up to one part per million, the waters may contain no chemical additives. The source of the waters must be bacteriologically pure and the bottled water must not contain any coliform organisms, that is to say, as determined by standard methods of analysis. The water should have a total bacterial count not exceeding 100 organisms per millilitre.

Testing for compliance with these regulations is carried out on a spot-check basis by the federal food directorate, either from samples obtained at the retail level or from the bottling plant. However, analysis is not carried out for some important heavy metals, organic substances such as pesticides, radioactive substances or specific bacteria other than the coliforms that I mentioned.

It is clear that the federal regulations do not control the quality of bottled water as comprehensively as the provincial drinking water objectives control our municipal water supplies. Ontario has health-related and aesthetic drinking water objectives for no fewer than 49 parameters. The Ministry of the Environment also uses guidelines set by other agencies, including the World Health Organization and the US Environmental Protection Agency, to assess the quality of this province's drinking water.

The Ontario drinking water surveillance program is a monitoring program providing immediate, reliable, current information on drinking water quality. When I use the word "current," there is no pun intended. Raw, treated and distributed water is currently being monitored at 55 water supply systems. Analysis for up to 180 parameters is carried out monthly at each water system, including microbiological, or-

ganic and inorganic substances as well as process parameters.

In 1987, for example, when 43 water systems were being tested, more than 18,300 tests for metals such as lead, copper, iron and zinc were carried out on treated and distributed water. Over 32,600 analyses for pesticides were completed at the same time, as well as approximately 24,000 tests for volatile substances. Tests of this sort are not carried out by the federal government on bottled water.

At each water supply system, water samples are obtained for both raw and treated water and generally at two sites in the distribution system. At all distribution system locations, two types of samples are obtained: a standing-water sample and a free-flow sample.

The standing sample consists of water that has been in the household plumbing and service connections for a minimum of six hours. These samples are used to make an assessment of the amount by which the levels of inorganic compounds and metals may be changed by standing in the plumbing system.

The drinking water surveillance program was initiated in 1986 at 22 locations and expanded to 43 in 1989. It is presently under way in 55 locations and will eventually include all municipal drinking water supplies in this province. Currently, nearly 75 per cent of the 7.2 million people in Ontario who receive water from piped municipal systems are covered under the drinking water surveillance program.

Results from the program have been used in the preparation of a report published by the Canadian Public Health Association entitled *A Comprehensive Survey of the Status of Great Lakes Drinking Water*. Data have also been supplied to epidemiologists from other government agencies and universities carrying out research into the effects of drinking water on human health. They are also supplied to consultants, the public and, of course, municipalities. I understand the most up-to-date annual reports are now being finalized and will be published later this fall.

## 1120

Most of the municipal drinking water in Ontario is treated through coagulation filtration, and chlorine is used as the disinfectant of choice. The Ministry of the Environment is also investigating some innovative treatment techniques. For example, a Niagara Falls pilot plant study is addressing specific contaminant removals through the use of granular activated carbon. As well, a water plant optimization study was

implemented in 1986 to ensure that the water treatment plants throughout the province are applying treatment technologies which provide maximum protection for householders. This study is currently in place in 41 locations. The study will result in a manual for individual utilities on operation and design criteria, as well as practical recommendations for individual plants.

The Ministry of the Environment has also carried out and funded a number of research projects to investigate water disinfection processes, including a study of ozonation as an alternative to chlorination for drinking water. The Ministry of the Environment research staff continues to keep abreast of European and United States work currently under way to ensure that duplication of effort is minimized and that state-of-the-art technology is being applied here in Ontario.

While an intensive monitoring program, such as the drinking water surveillance program, may not be necessary for the regulation of bottled water products, it would certainly be prudent for the federal government, and specifically for Health and Welfare Canada, to step up its surveillance program to encompass more parameters than are currently tested. The province would certainly urge the federal government to carry out its mandate and improve its regulation of this most basic food product.

I would say that I personally am in favour of this motion, but I would not like to see our resources channelled away from quality municipal water to quality bottled water.

**Mrs Grier:** Let me start by saying that I am a little surprised by the concluding remarks of the member for Peterborough. He says that he supports this bill but does not want to see our efforts channelled away from maintaining our better water supplies. Let me point out to the member that we would not need a bill like this and we would not have a large and growing industry in bottled water if the people of the province had confidence in this government's attempts to provide safe drinking water for everybody in the province, not just for those who can afford to buy bottle water.

This is the kind of legislation that we wish we did not have to have but that we, on this side, support in the absence of any legislated standards for drinking water, regardless of its source for all the people of this province. I have tabled on a number of occasions a safe drinking water act as a private member's bill from our party, which indicates we would like to be able to guarantee



people in this province that they have a right to safe drinking water, that there are legislated standards, that they have redress if, in fact, their drinking water proves to be contaminated and that they know whom they can hold responsible if they find their drinking water is contaminated, is unhealthy or is causing problems that have not yet been identified. We do not have such standards.

If this bill passes and if it has the support of the other side and becomes law, then we will have standards for bottled water and we will not have legislated standards for municipal water supplies or for well water. I find that a little ironic. When we raise this question, as we have done as recently as discussion of estimates with the Minister of the Environment (Mr Bradley), he has two responses. One is that he would much rather clean up the sources of our drinking water, get at the sources of the problem and clean up the supply, than legislate standards; second, that under the increased surveillance and the testing that has been described by the member for Peterborough, it is not as necessary to have drinking water standards as he thought it was when he was in opposition, at which time, of course, he supported a safe drinking water act for the province of Ontario.

Let's look at the minister's efforts to clean up the sources of contamination of our drinking water. The minister always mentions the municipal-industrial strategy for abatement. MISA was announced in 1986 as the answer to all of our water quality problems, an answer that was to be in place and completed by 1989. We are now near the end of 1989 and, lo and behold, we do not have yet, under MISA, one single regulation requiring compliance with the MISA standards, and we will not have a completed MISA program until, at the best guess, 1992.

This government seems to be content to await efforts to get at the sources of contamination of drinking water for ever rather than to give that the sense of priority that we feel it ought to have.

The second thrust of the government's policies, of course, is the increased surveillance and testing. But I think it is useful to note what the Provincial Auditor said just last year when he examined the drinking water surveillance program that the member for Peterborough has just enunciated. What the auditor said was: "The ministry's monitoring and control procedures to ensure water is treated in accordance with ministry requirements were weak. There was incomplete information on the quality of drinking water. Most water treatment plants were not

regularly inspected by environmental officers to ensure compliance with legislation and ministry requirements."

He went on to say: "When asked about the lack of inspectors in certain Ministry of the Environment regions, regional staff responded that if there had been a serious problem, they would have taken appropriate action. Yet, this could occur only after they were informed of the problem via the Ministry of the Environment laboratory." The auditor said: "It is imprudent to restrict inspections to situations where problems have already been identified, since the purpose of regular inspections is primarily preventive and protective."

I could not agree more and I think that indicates a real lack of confidence in the drinking water surveillance program that this government has put in place. It is obvious that the public shares that lack of confidence, because the public, as the member for Mississauga South (Mrs Marland) has pointed out, is voting with its dollars to buy bottled drinking water.

This will have the effect of creating two classes of people, those who can afford to buy bottled water and perhaps assure themselves that their drinking water is safe, and those of us who drink it from the tap and always have in the back of our minds the cumulative effects of the minute quantities of toxics that we know are in that drinking water. With 200 different toxic chemicals in the Great Lakes, we know that there are bound to be elements of those toxics in our drinking water.

If we do not take our drinking water from the Great Lakes, if we take it from wells or other sources across the province, can we be any more assured that our drinking water is of a high standard? I think the answer to that is also no.

Just last year the Minister of the Environment released a report looking at the effects of pesticides on drinking water supplies. The minister admitted that weed and bug-killing compounds were found in rural areas in southern Ontario from Lindsay to near Windsor in half of 42 wells and 13 of 18 municipal, treated water supplies tested. Many of them were cancer-linked substances such as alachlor, although they were below levels considered unacceptable by the federal Department of National Health and Welfare.

The minister stated when he released that report, "This study shows that the decades-old trend of increasing use of pesticides is threatening our drinking water." If we are acknowledging that our drinking water supplies are threatened,

whether they be from the Great Lakes or from other sources, surely the kind of standards that are contemplated in the legislation before us today are required not only for bottled water but also for public water supplies.

There seems to be an indication in the comments of the member for Peterborough that somehow this is a federal responsibility. That is arrant nonsense and one of the greatest of the copouts that we have seen from this government over issues of the environment. Surely the provision of drinking water is very clearly within the purview of the provincial government and the responsibility of setting standards for that is a responsibility the provincial government ought to assume.

### 1130

It is now six years since Pollution Probe issued a report called *Drinking Water: Make it Safe*, a report that looked primarily at drinking water supplies in the city of Toronto and that caused a great deal of concern because of its findings about the variety of toxic chemicals that were in treated water, the effects of the chlorination of drinking water and the creation of new hazardous compounds. Nothing much has happened since that report came out other than increased monitoring, increased surveillance and greater knowledge about the number of chemicals that are found in our drinking water.

There has been no leadership from the provincial Ministry of the Environment in setting the standards that I have already said are called for or in taking the lead in looking at bottled water. As the member for Mississauga South has made clear, more and more people are turning to bottled water, yet there seems to be no willingness on the part of this government to show leadership in assuring those people that their bottled water is any safer than the water from public supplies.

Once again, the environmental protection office at the city of Toronto is showing the way to this government, because a very extensive study is currently being carried out by that department, looking at 66 brands of bottled water. That is the number of brands that are available on the market in Metropolitan Toronto. They are looking for almost 150 different compounds and they are examining the point of use. They are going into a number of homes and looking at the effect of the devices that are put on the end of the tap and seeing how effective they are in protecting our drinking water.

That study is going to be released early in 1990. I hope this ministry will examine its results

carefully and will take action, not only to protect all of our drinking water supplies from public sources, but also to follow through on the initiative of the member for Mississauga South to protect those people who have chosen to buy bottled water so that they too can be assured that their drinking water is safe.

I support this bill very warmly and hope it receives support from all sides of the House.

**Mr Jackson:** I am very pleased to be given an opportunity to rise and debate on a private member's bill, Bill 61, An Act to amend the Ontario Water Resources Act, which has been brought forward by our distinguished colleague the member for Mississauga South, who really has established her awareness and her sensitivity for environmental concerns, not only prior to her arrival here in the Legislature, with her commitment to educational programs and the work in her own community of Mississauga but also here as the Environment critic for the Progressive Conservative Party. It is no surprise then that this has become a very important issue, and it is her first private bill of this newest session.

I believe this piece of legislation, which would ensure that the same standards of water quality testing that are applied to municipal water sources should also be applied to bottled water sources, is long overdue in our province, so I commend the member for bringing it forward.

Members in this House will certainly recognize that in the last 20 years or so we have witnessed the rise of two factors, a rise in consumer awareness and a rise in the environmental protection movement. These two movements have certainly not developed independently of one another, but each has influenced the other in deepening our understanding of how we are affected by the results of our chemical tampering with the natural environment.

What we see happening today is what we might call a popular consumer distrust of what is chemical or what has been brought under the influence of chemical contaminants of any kind. Modern consumers today have clearly demonstrated their concern for the potential dangers to human health which often lurk, frequently undetected, in various products which they use in their everyday lives by their consumer choices for various products which they consume. People no longer accept purely on faith the assurance of companies that what they are selling is healthy and obviously poses no long-term health risks or the threatening of their own personal wellbeing or that of their children.



I can say from a personal perspective that as a legislator and as an awaiting parent that both Elaine and I were concerned. Our unborn daughter at the time, Amy, was very fortunate to have a mother who was very committed to ensuring that Amy's life chances were enhanced as much as possible. She was not smoking, she was not drinking, she watched her diet, and yet when we came to the consumption of water, we realized we had limited confidence in the municipal water source, and I think we had every right to feel that way. None the less, that was our decision as citizens of this province, that we had limited confidence in our water supply, so we sought out bottled water as an alternative leading up to, during and subsequent to the pregnancy.

We realized very clearly, that all we had were assurances from companies, different coding. There was a whole series of problems associated with our consumer choices which we felt that we should be empowered to be able to make intelligently. So again, from a personal point of view, I want to thank the member for Mississauga South for her initiative.

This is an initiative which consumers and consumer groups have taken all across this province. It is laudable and it is very supportable. In a society where lifestyles are often in a state of flux, the natural or often holistic approach to what we do in life has emerged with greater interest and greater strength.

The popularity which holistic approaches such as naturopathy enjoy today is just one additional indication among others of the strength and maturity of consumer decision-making and consumer awareness, back along sort of the back-to-nature movement or, as I say, a more natural approach to consumption.

The consumer awareness movement has also affected the readiness with which we perform the normal, nonreflexive task of turning on our kitchen tap water and pouring ourselves a glass of what we presume to be clear and clean water. Today, we are all aware of the immense natural and human catastrophe of water pollution. We see films and read books of the deteriorating quality of our water in our Great Lakes. We see signs, petitions, protests because of the pollution of our Great Lakes. We view pictures of the effects of chemical contamination on birds and wildlife and the fish that we ultimately consume.

The public perception is clear and the public is alarmed and the public does react, even if only by making consumer choices. Quite frankly, consumers have been turning more and more to bottled water as an option over tap water.

Again, municipal water quality standards may or may not serve as an adequate assurance for the safety of tap water for human consumption. Or it could be that tap water does not taste good. Finally, it could even be that people buy bottled water because everyone else seems to be doing it. But the fact is, it is being done.

However, an organization such as Pollution Probe, which has done some extensive research on this subject, has also indicated that another problem is developing, which also applies to the other food products as well. That problem has to do with the introduction of chemicals into water so as to purify it or to improve its taste, while at the same time creating new and untested chemical compounds which may prove potentially harmful, if not more so, than those contained in the other, standard sources of water that we drink in this province.

This problem arises more specifically when the question of private water purification companies, rather than bottled water companies, is considered, but it can be said to also indicate clearly the need for regulations which would at least ensure that bottled water in this province meets with the same minimum standards which are applied to municipal water sources. In this way, there will be a uniform standard for most of the water available for public consumption, and perhaps more important, it will mean that should the standard be changed or upgraded in response to scientific data or water quality and testing procedures some time in the future, it would immediately apply to our drinking water supplies completely across the board, including bottled water.

#### 1140

I believe that this legislation and the problem which it addresses raises one further point. That point has to do with an apparent change in how we have come to understand the availability of pure drinking water for all from the standard sources as opposed to specifically bottled water. Clearly the popular shift from using municipal water to bottled water and water purifiers is one which should send a message to local and provincial governments about consumers' confidence in existing water testing and water purification procedures.

Consumers always have a choice, and will continue to choose bottled and purified water for any number of reasons, but is it not time for governments to start testing their own water quality standards and municipal water purification methods against the recommendations of scientifically based conclusions having to do

with the enhanced provision of safer drinking water for all? I believe that such a time has come and that such a project is reasonable, given the state of our engineering technology today and the public will to support it.

Consumer choices of water from varying sources should be protected, but the ensuring of safe drinking water from all sources, including municipal ones, according to updated standards and water purification methods should be a guaranteed right of all citizens in this province.

I close my remarks today by commending my colleague the member for Mississauga South for undertaking her current initiative. It is an important first step in the long journey which lies ahead in the area of consumer and environmental awareness and protection for the citizens of Ontario.

**Miss Nicholas:** I am standing today to also support the adoption of tougher regulations governing the quality of bottled water. I would like to support my colleague the member for Peterborough in his suggestion that the regulation take place at the federal level, since we are discussing a food product which is distributed and bought by Canadians right across the country. Canadians have the right to expect that the foods and beverages available in Canadian stores have been judged to be safe for consumption by the federal Department of National Health and Welfare, and this should hold doubly true for bottled water.

The drinking water provided by Ontario municipalities is certainly subject to a very thorough monitoring and testing process through the drinking water surveillance program. What is just as important is that the Ontario Ministry of the Environment is committed to protecting and improving the quality of the province's surface and ground water, the sources of our drinking water. Initiatives such as the MISA program, the 17 remedial action plans across the province, the beaches cleanup program and the revision of the model sewer use control bylaw will all serve to ensure a continued high quality of drinking water for people across this province.

The MISA program will lead to new regulations and standards aimed at controlling and reducing pollution, including toxics from municipal and industrial effluents discharging into the environment. MISA establishes a new approach to water pollution in Ontario. Indeed, it is the first systematic water pollution reduction program in the province's history. MISA adds a regulatory component to enforce effluent stan-

dards based on the best available technology economically achievable.

There will be two regulations: a comprehensive effluent monitoring regulation and an abatement regulation. All nine industrial monitoring regulations have been developed. MISA will cover all industries, those discharging directly into the environment and those discharging indirectly to the environment via municipal sewers. Compliance with the abatement limits will clearly be defined. Violations of limits will trigger immediate remedial action and possible prosecution. These limits will be periodically reviewed and lowered to take advantage of technological advances to reduce the toxic discharges even further. Under MISA, we are headed to the virtual elimination of water pollution in Ontario.

A similar process is being followed to impose monitoring and abatement on the thousands of other industries whose discharges are indirect by way of municipal sewer systems. MISA is expected to result in dramatic reductions in the amount of pollution entering our waterways. In the long run, the continuing pressure of MISA and the improvement of pollution control technology will ratchet down the flow of toxic substances from our industries even closer to the zero discharge level. That is good news for commercial fisheries, workers, tourist operators and anyone drawing drinking water downstream.

As a result of the International Joint Commission's 1985 report on the Great Lakes water quality, Ontario, in co-operation with the federal government, agreed to develop remedial action plans to restore water quality in the 17 Canadian areas of concern. The remedial action plan process incorporates extensive public involvement in all phases of its development, defining water use impairment and water use goals and objectives, evaluating options and preparing the draft plan and, finally, monitoring the implementation of the plan.

The Ministry of the Environment has taken the lead role in the development of remedial action plans and has provided enhanced funding for remedial action plan development. For example, for the 1989-90 fiscal year, the budget is approximately \$2.4 million, of which \$750,000 is dedicated to public involvement. As a matter of interest, the federal Ministry of the Environment committed only \$600,000 to the program for 1989-90.

Ontario is also working jointly with the state of Michigan to develop binational remedial action plans for the St Marys, St Clair and Detroit



ivers. From my personal experience of having to live beside one and swim in the other, I am grateful for the programs that are being initiated in this way.

It is clear from these initiatives—and there are others which I cannot describe in detail at this time—that protecting, restoring water quality in Ontario is one of my major priorities and also one of this government's. I welcome Bill 61 and concern about bottled water. I know that I had the opportunity with Peter Gzowski once to do a water testing and tasting of quality of bottled water. I had the opportunity to savour all of them. As some of us have the ability perhaps to sample fine wines, I had a chance to sample all our fine bottled waters and chose the selection of mine, which I will leave a mystery today, my favourite bottled water, and it was not even sparkling.

I think that we should assure ourselves that it is safe. I think the member for Mississauga South should be commended for putting forward Bill 61. I can only hope that the idea was not one that she struggled with as she walked through the halls of the Legislature and saw in every corner that we do have bottled water in the Legislature, and perhaps it is not the quality that she would hope or would want to enjoy throughout the province.

So I support the bill. I hope that we would consider it at the federal level rather than just the provincial level. I have enjoyed speaking on Bill 61 this morning.

**Mr Charlton:** I rise to support Bill 61 as well. I was glad to hear at the very end there the member for Scarborough Centre indicate she will support the bill.

It bothers me somewhat to hear all of this discussion about federal standards. There is certainly nothing wrong with pursuing federal standards so that all Canadians have the right to the same quality in any product that they consume in this society of ours, but Ontario has the ability, has an opportunity to act in the absence of federal action around the question of bottled water. In the absence of federal action, which we can spend a year or perhaps 20 years trying to lobby the federal government to proceed with, we have an opportunity to provide protection for Ontarians through standards that would be developed as a result of Bill 61.

I would like to, for a few moments, because I do not have very much time, just deal with the question of standards which are set out in this bill and how they relate to drinking water in general, not just bottled water. As my colleague the member for Etobicoke-Lakeshore has men-

tioned, we have on several occasions introduced private members' bills for a safe drinking water act in this province. I first introduced that piece of legislation in 1982.

### 1150

We have no drinking water standards in the province in Ontario. It is time the government members started to understand that. We have what are referred to as water quality objectives, and they are precisely that—objectives. We have not yet obtained those objectives.

There is no enforceable standard and, second, even if we had an enforceable standard, the citizens of this province have no clear right or ability to enforce that standard. So in addition to the question of standards—and we support the standards that are set out in this bill—we need a right on the part of the citizens of Ontario to ensure that they have access to those standards once it is passed.

I hate to be the cynical one in this debate, but we have seen government in this province, we have seen government in other provinces and we have seen government nationally set regulations and standards in a variety of areas and then allow exemptions and exclusions from those standards and regulations. The present government may very well be committed to cleaning up the problems in our water sources in Ontario. That has nothing to do with the pressures that may be brought to bear on future governments to allow things to happen that are not presently happening or that are eliminated over the course of the next few years. That is why we need standards and that is why we need the right on the part of Ontario citizens to ensure, when their government does fail them, that they have the right to enforce those standards.

Bill 61 deals specifically with bottled water. I support the bill and the standards it proposes because perhaps it will be the first step to having overall clean drinking water standards in Ontario. One of the realities we have to face is that although some people drink bottled water for aesthetic reasons, because of taste questions, the burgeoning in the bottled water industry is as a result of people's lack of confidence in our municipal drinking water supplies. That lack of confidence is not misplaced.

We have done a bad job of protecting the environment in Ontario. We have seen all kinds of chemicals introduced into that environment and into our water supplies and there are serious questions about our ability to remove all those chemicals. On the other hand, there is not an ability in Ontario, or worldwide, to provide all

the residents of this province with bottled water, even once we have put in place legislation to ensure its safety. So we have to do both jobs and perhaps this can be the start of a move down that road.

**The Speaker:** The member for Mississauga South wishes to wind up or wind down the debate.

**Mrs Marland:** I want to express at the summation now, my appreciation for the support of this bill this morning, which I am sure in a few moments is going to be demonstrated by a unanimous vote of this House. I do appreciate the fact that the government members and the official opposition members who have spoken support Bill 61. I think it is very significant that we are jointly sharing in the responsibility of the protection of the public, which is simply what Bill 61 is about.

One area that I did not address in the bill, but which I think would be worthwhile addressing through regulations to this bill—I must give credit, actually, for this comment to the member for Scarborough-Ellesmere (Mr Faubert). His comment to me, which is something I have thought of in the past but did not think of earlier this week or today in my earlier comments to the House, is that through regulation I hope the government will see a way of mandating and requiring the bottlers of water to have some kind of recyclable bottle.

The fact of the matter is that today bottled water comes in any number of sizes, shapes and types of plastic, and that is a concern, I think, that all of us in this House share. I know that we support recycling; we certainly do not support increasing the volumes of plastic and shapes and sizes of plastic bottles that have to be disposed of through the public waste stream. So I hope that will be something that the minister will look at when they draft the regulations for the bill. And then we will combine everything.

We will combine the protection of the members of the public who choose to buy bottled water, and I emphasize again that my family and I are drinking the public tap water and I am very confident in the public tap water, which receives over 1,300 tests annually. I feel that if people have a choice to do everything else in life, then it is up to them to choose whether they buy bottled water. We just want to be sure that if they do make that choice, they are protected, and that is what this bill will do.

So I will look forward to the vote on this bill and at that time I will ask for the bill to be referred

to the standing committee on resources development.

**The Speaker:** It appears that completes the debate on both private members' ballot items, so we will deal first with ballot item 23, private member's notice of motion 21, Mr Hampton's resolution.

#### NATIVE POST-SECONDARY EDUCATION

**The Speaker:** Mr Hampton has moved resolution 21.

Motion agreed to.

#### ONTARIO WATER RESOURCES AMENDMENT ACT, 1989

**The Speaker:** We will now deal with Mrs Marland's motion for second reading of Bill 61. I would advise the House that I have not received a petition signed by one third of the members objecting to a vote on this item. However, I still will ask whether there are any members opposed to a vote on this motion.

Motion agreed to.

**Mrs Marland:** May I request that this bill be referred to the resources development committee?

**The Speaker:** The request has been made. I will have to—

**Mrs E. J. Smith:** I believe that it has been requested that it could be effectively dealt with in committee of the whole House.

Interjections.

**The Speaker:** Order. I believe our standing orders state that a private member's bill will go to committee of the whole House unless a majority of the House wishes it to go to some other committee. The request has been made and I understand there is an objection to it. Therefore, I will have to put the question to the members in the House. I hope you will recall we have done this on one or two previous occasions.

Ayes 14; nays 29.

**The Speaker:** The request has been denied and it will go to committee of the whole House.

Bill ordered for committee of the whole.

**Mr Wildman:** On a point of order, Mr Speaker: We would be happy to give unanimous consent to go into committee of the whole immediately.

**The Speaker:** That is very nice. However, I must remind the member the clock is not moving as swiftly as it should. It is now after 12 o'clock so I will now leave the chair and the House will resume at 1:30.

The House recessed at 1202.



## AFTERNOON SITTING

The House resumed at 1330.

### MEMBERS' STATEMENTS

#### PRIVATE BOARDING AND LODGING HOMES

**Mr Reville:** This week, two people were sentenced to terms in jail for their role in abusing vulnerable people. One was sentenced to jail for five and a half years and the other was sentenced for four months. These two people had systematically abused, both physically and emotionally, very vulnerable people who had been discharged from the Queen Street Mental Health Centre and sent to be looked after in a private boarding and lodging home. I assume that the sentences were appropriate.

The culprit that has been left out of my story so far, of course, is the Ministry of Health, which discharged the people to the care of these boarding and lodging homes. The 23 people involved in the Cedar Glen matter are only 23 of literally tens of thousands of people who are developmentally handicapped, psychiatrically disabled or simply frail and elderly, who exist in circumstances similar to this throughout the province. I think it is long past time when a full investigation of the private boarding and lodging home industry is done by this government.

#### HIGHWAY CONSTRUCTION

**Mr Harris:** Last Wednesday, on one day alone, there were six accidents at the intersection of the two major cross-Canada highways, Highway 11 and Highway 17, at North Bay. Why? Because after years and years of lobbying, despite many accidents and despite letters and petitions to this Liberal administration, this government refuses to build a flyover interchange at the intersection of the two major cross-Canada highways crossing through my community.

What I would like to know is how this government can find \$143 million to subsidize and give to the large insurance companies but we cannot find less than one per cent of that amount to build an overpass to avoid six accidents in one day, to avoid accident after accident over the last number of years since the four lanes on Highway 11 opened?

At a time when we—residents of North Bay, the chamber of commerce, the city council—are told, "The traffic count doesn't justify it; that is

how these things are determined," the traffic count is 60 per cent higher than at the flyover that is being built currently in Huntsville at the interchange of Highway 60 and Highway 11. We demand action now.

#### CANADIAN DIABETES ASSOCIATION

**Mr Velshi:** I would like to take this opportunity to inform this House, on behalf of the Canadian Diabetes Association, that November is designated for its annual fund-raising appeal.

Diabetes is Canada's third largest cause of death, with the incidence increasing each year. Over one million Canadians have diabetes. In Toronto alone, over 100,000 individuals are afflicted. It affects five per cent of our workforce and is estimated to cost the Canadian economy over \$2.5 billion each year.

The Canadian Diabetes Association is a national, independent, self-financing organization. Its purpose is to improve the quality of life for all those affected by diabetes by being the leading force in research, service advocacy and education.

Remember, insulin is not a cure. Please help the Canadian Diabetes Association find one.

I would like to recognize three representatives of the Canadian Diabetes Association who are here in the House today. They are Ruth Schwartz, a fund-raising co-ordinator, Mabel Hurgott and Eva Goodger, who are volunteers.

#### HEALTH STUDY

**Mr Wildman:** In 1984 the Department of National Health and Welfare instituted a study of mining communities in Ontario and Quebec to determine how the incidence of cancers and other diseases compared in those mining communities to the national average. That study was published in 1986.

The study indicated that in Elliot Lake there was a significant increase in obstructive lung disease and ovarian cancer among women. However, the author of the study, Dr Yang Mao of the federal department, indicated the sample in Elliot Lake was not large enough to get definitive findings and he suggested a follow-up study. For some reason, the Department of National Health and Welfare has failed to act on the recommendation of Dr Yang Mao.

In response to that, I suggested that the provincial Minister of Health (Mrs Caplan), in her capacity as the minister responsible for

protecting the health of Ontario residents, do a follow-up study in Elliot Lake, an epidemiological study, to find out if Dr Mao's findings were correct and if they were, what should be done to try to lower the incidence of cancer in Elliot Lake.

For some reason, the Minister of Health does not take this seriously and is not following up on the study, so the uncertainty in Elliot Lake continues.

### HERITAGE DAY

**Mr McLean:** Mr Speaker, my statement today concerns my private member's bill, Bill 7, An Act respecting Heritage Day, which received second reading on 25 May 1989. You will no doubt recall that Bill 7 would name the third Monday in the month of February as Heritage Day. I believe it is important that my private member's bill receives third reading and royal assent because Ontario's heritage is about our past, our future and our present. That means it is about the kind of province and the quality of life we will all have in the future.

Ontario is a growing community of people from many generations, many countries and many cultures. This is a community of people we should appreciate and celebrate on the third Monday of February each year. It is a legacy we must focus our attention on and a legacy that deserves improving and enhancing for our future. By proclaiming Heritage Day in Ontario we would increase awareness of the scope and value of our heritage and cultural resources, and encourage all participants to preserve, promote, protect and develop their diverse heritage and cultures.

I look forward to receiving the support of all members of this Legislature to ensure that Bill 7 receives speedy passage so we can all celebrate Heritage Day in February 1990, which coincidentally marks the fifth anniversary of Heritage Week celebration in Ontario.

### INTERLINK

**Mr Adams:** Sadly, links between the generations are not so strong as they were. For various reasons, young and old do not mix as they once did. Interlink is an intergenerational program that brings together old adults and young children through the celebration of words and music.

I attended an Interlink event in Peterborough. A choir composed of seniors and elementary school students entertained with songs and recitations. It was clear that rehearsals for this fine evening had developed a close rapport

between the older and younger members of the choir. Their enthusiastic performance, obvious friendship and mutual respect extended that rapport to the audience. Both Queen Elizabeth and Queen Mary schools have been involved.

Through Interlink, the young benefit from the experience and patience of the old; seniors benefit from the energy and enthusiasm of youth. Interlink was founded by Thelma Edelstone. It was brought to Peterborough by the county board of education, the Canadian Mental Health Association, the city recreation division, Fleming College and the Kinsmen. I commend this program to all members as a fine way of enriching of their communities.

I close with a verse from Bill Beaith, a senior member of Interlink:

Young and older as you pass by:

As you are now, so once was I.

As I am now, so may you be.

Prepare, young people, to follow me.

1340

### PASSENGER RAIL SERVICES

**Mr Wildman:** This government, quite rightly, has made a great to-do over the inadequacy of the federal government's approach to transportation and the demands or suggestions that have been made by the federal government to cut back on the rail passenger service in this country.

Ironically, at the same time that the provincial Liberal government is criticizing the federal Tory government, the provincial Liberal government is proposing to cut back on the passenger service in the Ontario Northland Railway. Talk about hypocrisy. On the one hand, it is opposed to destroying the federal passenger service that serves the whole country, while at the same time it is cutting back on the number of trains that serve the northeast and are under the jurisdiction of the provincial government.

Let's get it right. If it is opposed to them at the federal level, improve the passenger service in Ontario and in northern Ontario and expand the service of Ontario Northland. If the federal government cannot be persuaded to meet its responsibility, take up the slack.

### VIOLENCE AGAINST WOMEN

**Mr Jackson:** I wish to bring the House's attention to an article which appeared in this morning's Toronto Star entitled "Male Students Mock Anti-Rape Campaign." I want to share with the House the fact that there have been obscene and violent messages displayed in the men's residence at Queen's University in re-



sponse to the annual "No Means No" campaign against rape, sexual assault and the growing incidence of date rape that is occurring all too frequently at Ontario high schools and campuses.

This government must take this more seriously—which it did not do yesterday with its announcement of increased publicity only for this crime. This government must realize—I hope the Attorney General (Mr Scott) does—that we have no victims' rights legislation in this province, whereby victims of sexual assault have the right to be interviewed by police of the same gender and the right to be interviewed and to be examined by competent medical staff sensitive to the physical and psychological affects of the violent crime. We must understand that our court system impedes the pursuit of justice for victims of sexual assault because of what the courts' attitudes have been traditionally.

We should remind the Minister of Education (Mr Conway) that he was asked specifically to include a 14th goal of education in this province that would develop an awareness of those stereotypes and assumptions that contribute to the unequal position of women in contemporary society. Unless he gives meaning to this, women in this province will continue to be vulnerable because of male attitudes as offensive as were displayed in Kingston yesterday.

#### SUTTON WEST DISTRICT LIONS CLUB

**Mr Ballinger:** My wife, Donna, and I recently had the pleasure of attending the Sutton West District Lions Club charter meeting in the town of Georgina, one of the five member municipalities in my riding of Durham-York. Lions Club members from communities across southern Ontario were in attendance to help celebrate this very special occasion.

What was so special about this particular charter evening was that this was the newest Lions Club to accept both male and female members into its club. In total, 26 men and women from Sutton accepted the oath of membership from past district governor Ernie Stefaniuk.

International director Gil Constantini praised the Sutton West District Lions Club for having accepted the challenge of Lionism and for including women members into the Lions organization. He also predicted that women would become more and more an integral part of Lions.

Lions, he said, have the ability to effect change around this world, which in turn benefits all mankind. Mr Constantini also pointed out that Lions Clubs are growing in numbers behind the

Iron Curtain, in countries such as Poland, Hungary and Estonia.

In accepting the charter from international past district governor Tom Barker, charter club president Wayne Woods thanked the Mount Albert Lions Club for sponsoring the Sutton West club and indicated how extremely proud the new club was to be a member of the Lions international family.

**Hon Mr Ward:** Mr Speaker, there has been an agreement by all three parties that each would make statements with regard to the constitutional accord.

**The Speaker:** Is there unanimous consent?

Agreed to.

#### 1987 CONSTITUTIONAL ACCORD

#### ACCORD CONSTITUTIONNEL DE 1987

**Hon Mr Scott:** Last week a legislative committee in New Brunswick and a task force in Manitoba issued reports and proposed recommendations to their governments respecting ratification of the 1987 constitutional accord or, as it is commonly called, the Meech Lake accord.

At about the same time, the Premier of Newfoundland circulated a letter addressed to the Prime Minister of Canada containing his observations on a number of substantive issues with regard to the accord. It is my understanding that these observations of Premier Wells will in due course lead to a set of proposals from Newfoundland for modifications to Meech Lake.

With the publication of the New Brunswick and Manitoba reports, the two provinces that have not yet passed the Meech Lake resolution have now set out their reactions to the accord. With the end of this phase, it is appropriate for Ontario to respond to these reports.

I will be pleased to table today an assessment prepared by my ministry of the Manitoba and New Brunswick reports. On the basis of this assessment, I propose to comment briefly on the reports and on their implications for the future of constitutional evolution in Canada, bearing in mind that these are reports Manitoba and New Brunswick made to the premiers of their respective provinces and may not reflect the final position adopted by those premiers and those governments.

The views expressed by Premier Wells in his letter also deserve careful consideration and a detailed response, but it would be unjust to address Newfoundland's position prior to the release by its Premier of its formal proposals.

The Meech Lake accord is itself a phase in the ongoing process of constitutional renewal in Canada. Its immediate source is the patriation of the Canadian Constitution in 1982. That historic event was achieved without the concurrence of Quebec and over its profound objections.

As a result, despite the promise made in Ottawa and in numerous provincial capitals of a renewed federalism, which featured prominently in the Quebec referendum of 1980, patriation and the entrenchment of a Charter of Rights and Freedoms were both accomplished without the formal agreement of a province that represents more than a quarter of the population of our country.

Faced with this reality, it was widely recognized that any further constitutional progress depended on a constitutional reconciliation with Quebec and on its return to full and willing participation in the Canadian constitutional family.

To undertake that process in the spring of 1986, the government of Quebec circulated widely five proposals for securing Quebec's willing assent to the Constitution. These five points were: (1) recognition of Quebec as a distinct society; (2) a greater provincial role in immigration; (3) a provincial role in appointments to the Supreme Court of Canada; (4) limitations on the federal spending power in areas of exclusive provincial jurisdiction, and (5) a veto for Quebec on constitutional amendments.

These five proposals, when they were made, were greeted positively throughout Canada as a most reasonable basis for renewing Canadian federalism.

In August 1986, the premiers of all the provinces and the Prime Minister, meeting in Edmonton, agreed to limit the next round of constitutional negotiation to Quebec's proposals and to defer other constitutional issues to subsequent rounds.

This so-called Quebec round of constitutional negotiations culminated, almost a year later, in meetings first at Meech Lake and then at the Langevin Block. The result, unanimously agreed to by the first ministers of Canada and its 10 provinces, was the Meech Lake accord.

I have dwelt at some length on the events leading up to the Meech Lake accord because it is only by keeping this background in mind that one can understand and assess the agreement that was reached.

The Meech Lake accord was the result of a recognition that securing Quebec's active and willing participation in the constitutional process

was a necessary prerequisite or precondition for any further constitutional development in the country.

It was based on a general agreement as to the basic reasonableness and acceptability of Quebec's five proposals for achieving that participation, and the accord was made possible by a decision to limit the subject matter of that round of negotiations in so far as possible to these proposals and matters arising from them.

It follows that assessment of the unanimous accord produced by the Quebec round must take place in the context of the history and the process that produced it.

The first point to note in this regard is that the agreement was reached and a series of constitutional adjustments responsive to Quebec's five proposals were arrived at. The Meech Lake accord does not settle once and for all the outstanding constitutional issues facing Canada nor does it correspond in all its detail to the position most favourable to any province. The accord is clearly a compromise. None of the participants, including Quebec, was successful in achieving all of its goals.

### 1350

The first question that a Legislature considering the accord must ask itself is whether it agrees with the overall goal of securing national constitutional reconciliation based on Quebec's five proposals. If the answer is yes, then recognizing that the accord constitutes a compromise among many different parties with many different interests, the next question is whether any aspects of this particular compromise are so fundamentally flawed as to make it impossible to ratify the accord without immediate change, so that we can go on to the next round.

There is no impropriety in pointing out imperfections and in suggesting improvements to the accord, but if such improvements do not attract unanimous approval then, given the importance of the fundamental goal of constitutional reconciliation, no party should without very great care and thought for our future as a nation make them preconditions for its agreement to the accord as a whole.

It is in this context that the select committee of our Legislature that studied the accord described it as "an enormously important piece of unfinished business in Canada's constitutional history," and although our committee concluded that there were improvements that could be made in subsequent rounds, it recommended that the accord be ratified by the Legislature in its existing form, as indeed it was.



In the same context, I can inform members that in my judgement neither the New Brunswick nor the Manitoba report identifies any fundamental flaws that would justify reopening the accord, but that several of the preconditions for ratification proposed by Manitoba strike directly at the heart of the accord and would amount to a rejection of the very principles upon which it is based.

Turning first to the report of the New Brunswick Legislative Assembly to its Premier and its government, it is important to note that all of its observations and recommendations are made in the context of an acceptance of Quebec's five proposals and a recognition of the crucial importance of securing the overall goal of national constitutional reconciliation that underlies the exercise.

The New Brunswick report contains a number of observations on what that committee considers to be shortcomings or oversights in the accord. Some of these observations correspond to observations made by our own select committee; others find no parallel in the Ontario select committee report, and indeed some of the proposed modifications in New Brunswick would likely be unacceptable in Ontario. All these recommendations from New Brunswick, however, are put forward as a basis for discussion for proposed improvement and not necessarily as preconditions for securing New Brunswick's assent to the accord as a whole. On this basis, the concerns identified by New Brunswick can and should form the subject matter of ongoing discussions, that like the concerns and proposals raised by Ontario and others will form part of the continuing process of constitutional evolution.

The report of the Manitoba task force to its Premier and government proceeds entirely differently. Although stating support for the overall goal in the accord of constitutional reconciliation, the Manitoba report recommends that approval of the accord be withheld unless six specific changes are made as a precondition. As I have stated, it is my view that none of these six recommended changes address fundamental flaws that would just reopen the accord, but several would go directly to its heart and would in effect reject three of the five proposals on which the accord is premised.

The first of Quebec's five proposals is recognition of its distinct society. This proposal is addressed through that part of the accord that deals with linguistic duality and distinct society.

The clear purpose of that clause is to respond to Quebec's proposal that it be recognized as a distinct society while safeguarding the rights of linguistic minorities both in Quebec and in the rest of Canada, and without changing the division of powers under the Constitution.

It is important to emphasize that this clause does not confer any new powers on the province of Quebec. This was the conclusion reached by the Ontario select committee and I am pleased to note that this conclusion is not contradicted by either the Manitoba task force or the New Brunswick committee.

Although the Manitoba task force states its support for recognizing Quebec's distinct society, it recommends that the clause not be ratified unless three specific changes are made. As I have suggested, in assessing these proposed changes it is necessary to consider whether they respond to fundamental flaws and beyond that, whether they would be consistent with the principle underlying the accord of effective constitutional recognition of Quebec's distinct society.

The first proposal from Manitoba recommends withholding assent unless the list of fundamental characteristics referred to in this clause is expanded beyond the recognition of Canada's linguistic duality and Quebec's distinct society. No doubt, as the Ontario select committee noted, it would be symbolically appropriate and indeed, preferable that the list of fundamental characteristics of Canada be fuller and more comprehensive.

The purpose, however, of this particular clause is not to list all the fundamental characteristics of Canada but merely to identify and give constitutional recognition to two characteristics that have not previously been entrenched as interpretive principles.

Other possible fundamental characteristics, including multiculturalism and aboriginal rights, are already recognized in other clauses of the Constitution. Bearing in mind the purpose of this clause, the omission of a fuller list is surely not a fundamental flaw.

A second objection raised to the linguistic duality/distinct society provisions in the Manitoba report relates to the nonderogation clause. This provision specifies that nothing in that clause is meant to derogate from multiculturalism as an interpretive principle, nor from existing aboriginal rights and treaties recognized in the Constitution.

The worst that can be said about this proposal is, as numerous constitutional scholars have noted, that it is redundant since there is nothing in

the accord capable of derogating from the constitutional protections of multiculturalism and aboriginal rights. The Manitoba task force, however, recommends that the accord not be ratified unless the derogation provision is expanded to include the Canadian Charter of Rights.

Canadian courts are already using the concept of the distinctness of Quebec society as an interpretive tool, with regard to the Canadian Charter of Rights, especially when they come to consider, as the Constitution requires them to do, whether a particular provision is demonstrably justifiable in a free and democratic society.

The Manitoba task force proposal would prevent courts from looking at Quebec's distinct society in such circumstances. In other words, not only is the Manitoba proposal not addressed to a fundamental flaw in the accord, its result would be to overturn the status quo and leave Quebec with less legal recognition of its distinct society than it now enjoys.

A similar observation may be made with regard to the recommendation to withhold ratification unless Quebec's role is described as "upholding" rather than, as at present, "preserving and promoting" its distinct identity. Given that the existing clause does not confer any new powers on Quebec, this change either has no impact and is therefore not addressed to a fundamental flaw or it represents an attempt to take away something already enjoyed by Quebec. In that case, it too would be inconsistent with the basic principles underlying the accord.

A second major principle among Quebec's original proposals was a limitation on the spending power as applied to shared cost programs. In such programs, whose constitutionality has never been tested, the federal government initiates programs in areas that the Constitution assigns exclusively to the provinces and provides a portion of the funding. The benefits to the provinces of federal funding are obvious, but in order to enjoy these benefits, a province must either accept priorities and provisions different from those it might choose for itself, or risk losing federal assistance.

If the province decides not to participate, its citizens will see a portion of the federal income tax they pay spent elsewhere by Ottawa on a social program from which they derive no benefit at all.

#### 1400

The solution proposed by the accord is for the first time to confirm the right of the federal government to set national objectives in areas of

exclusive provincial jurisdiction, but to balance such right with the right of a province, not only to opt out of the program but also so long as it institutes a program of its own that is compatible with national objectives set by Ottawa, to be entitled to compensation from the federal government for its tax dollars paid. Far from being an example of a massive and unwarranted transfer of power to the provinces, as has sometimes been claimed, this provision in fact simply proposes modest limits on an extension of federal power into the realm of exclusive provincial jurisdiction.

The Manitoba task force report recommends withholding ratification of the accord unless this clause, as a precondition, is deleted from the accord, because it finds the clause "controversial." The rejection of a provision whose fundamental flaw is never identified in the report amounts to a rejection of any qualification on the federal spending power and would likewise constitute a rejection of a second of Quebec's five proposals.

We turn to the third proposal. Prior to the patriation of the Constitution in 1982, it was generally thought that Quebec had, by constitutional convention, acquired a right not to have constitutional change imposed on it without its consent. This assumption as a result of the patriation case proved to be incorrect, and under the terms of the Constitution Act of 1982, constitutional amendments in a number of areas are capable of being made on the basis of the consent of the federal government and two thirds of the provinces representing 50 per cent of the population of the country. The accord responds positively but within limits to the essence of Quebec's proposal to limit such unconsented constitutional change.

The accord recognizes the principle of constitutional change to significant national institutions ought not to be imposed on a province against its will. It also recognizes the principle that all provinces, and not just Quebec, ought to benefit from this right. The accord therefore selects a small class of national institutions and requires that amendments to these be subject to unanimous consent. For all other constitutional amendments, two thirds and 50 per cent remains the general formula.

The Manitoba task force report to its government concludes that a requirement of unanimity will make more difficult the prospect of Senate reform and therefore recommends refusing ratification unless reform of the Senate as a precondition.



tion be made subject to the "general" amending requirement, rather than unanimity.

I bring to the members' attention that other provinces no less committed to Senate reform than Manitoba have concluded that the principle of the equality of all provinces, which is a key component of their vision of Senate reform, requires that all provinces must have an equal right not to have national institutions changed against their will. Many observers have noted that on a practical level no reform of so vital institution as the Senate can occur without Quebec's participation, but in any event the Manitoba task force report position would amount to rejection of yet another of Quebec's five proposals.

The remaining three recommendations for changes to the accord put forth by the Manitoba task force, while not amounting to repudiations of Quebec's five proposals, nevertheless propose withholding approval of the entire accord unless relatively minor amendments are made to particular provisions as preconditions to that approval. However worthy of consideration and possible future actions such suggestions may be, none can reasonably be characterized as aimed at so fatal a flaw as to justify allowing the accord to fail if it is not adopted as an amendment.

In 1987 a hand of friendship and reconciliation was extended to Quebec by all of Canada in the form of the Meech Lake accord. The accord itself is a balanced set of modest constitutional adjustments that fairly reflect the evolving relationship among all the parties to this confederation. As our own select committee reported, there is room in the accord for improvement and further constitutional development, but without the accord, it is doubtful whether any constitutional growth whatever is possible. That is the spirit in which the Ontario select committee, made up of members of all parties, made its recommendations for future improvements to the accord and to the Constitution.

It is to be hoped that those in New Brunswick and in Manitoba, who have now made us aware of the concerns voiced in various quarters in their provinces, will at this point join in a process of addressing these concerns within the framework of reconciliation embodied in the accord.

It is time for all of us to take careful note of the importance and sensitivity, the point in our nation's history at which we now find ourselves. It is a moment that requires those who find fault with the compromises in the accord to take careful stock of the seriousness and significance of their concerns and to weigh them realistically

against the consequences of turning a moment of national reconciliation into a moment of national estrangement.

It is profoundly to be hoped, I am sure by all of us, that in the weeks and months ahead such reflection will lead to a determination to seize an opportunity that may not soon present itself again, and to assure agreement to the necessary first step in the continuing evolution and improvement of our Constitution and of our nation, which was promised the country in 1980.

**Mr B. Rae:** I appreciate the opportunity to respond to the Attorney General's statement and to do so, not at indefinite length, but I hope in a way that does some justice to the issues that he has raised. I do not intend to give the same kind of detailed and, if I may say so, quite effective legal analysis to the various propositions that have been made by both the legislative committees of New Brunswick and Manitoba. What I would rather do is focus on the broader political context in which this discussion has taken place and to comment, if I may, on some of the choices which I see and our caucus sees as facing the country at the present moment.

The issues that are before us are, to put it mildly, difficult ones. I think a great many of us who have been involved in this debate for not just a few months but, indeed, many years understand the depth to which emotions run when we discuss the Constitution of Canada. Because a Constitution is the fundamental law of the country we hope that it reflects the fundamental values that are shared by Canadians, and we would hope that in our Constitution we would have a document that would reflect the very best that is in us and those things that pull us together as a nation.

I think it would be fair to say that prior to 1980 there were many Canadians, and certainly many Canadian lawyers and law students and students of the Constitution, who had to come to terms with the simple reality that the British North America Act fundamentally dealt with one question only, and that was the division of powers between the provinces and the federal government; and that, in effect, the Constitution at that time was frozen in time because it contained a fatal flaw, and that was that there was no provision in the British North America Act allowing it to be amended, allowing it to be patriated to Canada and allowing it to become an expression of Canadian feeling and of Canadian values.

Without going into all the long history which has already been enumerated by many other speakers on this, I think it is important for us to remember that when Mr Trudeau became the Prime Minister, the first ministers came together in Victoria and tried to find an amending formula. They reached an agreement. The agreement fell apart when Mr Bourassa, who at that time was the Premier of Quebec, went back to Quebec and decided that he could not in fact live with what he had originally agreed to.

When Mr Trudeau was re-elected in 1980, he was re-elected with the mandate, he believed, to begin again the process of attempting to patriate the Constitution and, as he also wanted to introduce into our Canadian law and life a Charter of Rights and Freedoms which would reflect our fundamental values as a country, we all understand I think and remember what happened at that time.

There was a Parti Québécois government in the province of Quebec. There was considerable debate and emotion within the country on the manner in which the Constitution was patriated. At the end of the day, through a series of negotiations, last-minute understandings, last-minute additions to that Constitution, it was determined that we would in fact get our Constitution. We would in fact have an amending formula. But one fundamental fact about that process of patriation stands out, and that is that the government of Quebec, through its Legislative Assembly, explicitly stated that the Constitution was not being brought back with its voluntary participation.

Now we come to the Meech Lake accord. When it was presented to this House by the Premier (Mr Peterson), and I can remember the day and I am sure many members who were here will remember the day when he returned from Ottawa, he told us what was in the agreement. The Attorney General very kindly came in to brief me in the morning after he had been up all night figuring out what the wording of the first draft was going to be. I expressed on behalf of our party our congratulations to the Premier of Ontario and to all the premiers who had done what I think many of us felt was going to be very difficult to do.

The proposals that came from the government of Quebec, the five that had been talked about and mentioned by many other speakers, were proposals that had been on the table for a long time in one fashion or another, in one way or another, and had never been accepted by other

provinces as the basis for a constitutional amendment.

We then had discussions in this House and I can recall the debates that we had. Question period was focused for a few days on this question and we asked the Premier to try to clarify and fight for other amendments and other changes. The Premier went to the Langevin Block a few weeks later and some wording was changed, some rearrangements were made and that produced the document which is now known as the Meech Lake accord.

I have stated on more occasions than I care to think about what I think every member in this House understands about my personal position and the position of, dare I say it, most of us in this caucus, certainly not all of us. I would suspect that if there were a genuinely free vote in this House with respect to our opinions on Meech Lake, we would have a considerable diversity of opinion with respect to the contents of the accord and what might and might not be there.

I do not see anything wrong with the fact that there is a division of opinion within our party on Meech Lake. I would suggest that nationally across the country, there is division of opinion in every party on Meech Lake because, let's face it, my friends, this country is divided on this question. I think we have to come to terms with that division, and that is what I want to talk about today.

I am in favour of the Meech Lake accord as it now stands. I voted in favour of it, as most of the members of this House did, and I appreciate very much the strength of the case and the capacity to argue which once again the Attorney General has shown. But I say with great respect to him and with great respect to the government that that is not the point at this stage of the discussion.

It is important for us to recognize, I believe, that there are three very different kinds of objections to the Meech Lake accord. I would characterize the opponents of the accord in three groups. This is being very broad-brush and perhaps provocative but, for the sake of argument, I think we need to get some ideas and arguments on the table.

The first opinion that I would say is out there—and there is no point in denying that it is out there—the origin of the opposition to Meech Lake is anti-French and anti-Quebec. Let's call it for what it is. It stems from a sense that has always existed in parts of our country that have never appreciated the French fact, that have never accepted the existence and the rights of the French language and that have never accepted



that Quebec is a province in which the French language is going to be predominant.

That anti-French sentiment was, of course, obviously—and everybody in this place understands it and everybody who thinks about the political situation around the country understands it—not helped by the decision of Mr Bourassa to invoke the “notwithstanding” clause with respect to the use of English in commercial signs; not helped at all. But there we are. This is Canada, and there you have it. About that opinion, all I can say is this: Any sensible person who cares about what makes Canada Canada cannot possibly take a position that is anti-French or anti-Quebec.

I have no idea how wide, broad or deep that undercurrent of sentiment is. Anybody in public life encounters prejudice and bigotry every day. We know it exists. It is a human sentiment; it is a human failing. It should never ever be entertained or catered to by any respectable politician in the land we call Canada.

There is another kind of opposition which is very different. I think it is expressed perhaps most clearly and cogently, and again with a considerable degree of dialectical skill, by the man whom I had the pleasure of watching in action when I was sitting way down on the side in the House of Commons and he was sitting as Prime Minister of Canada: Pierre Elliott Trudeau.

I would urge all members of the House to read Mr Trudeau's book on the subject of Meech Lake. It is provocative, it is based on a profound vision of the country and it is based on a rejection of the vision that is contained in the Meech Lake accord. I suggest to this House that that vision is shared by, it would appear, another Premier of this country, that is, Premier Wells of Newfoundland.

In fact, it is well known that Mr Wells, when he was a lawyer, was a constitutional adviser to Mr Trudeau. Certainly if you listen to the arguments that Mr Wells is putting forward against the accord, those arguments are root and branch, they are quite fundamental and they are a rejection of the very notion that one should in any way entertain the five minimum demands, as they have been called, or the five basic propositions of the government of Quebec.

Having watched the Prime Minister, as he then was, in action, as I did, having like most of us lived with his influence over the last 20 or 25 years in our public lives, I can only say that I disagree with Mr Trudeau. I do not think you can

have a country called Canada in 1989 which does not recognize the distinctiveness of Quebec.

I do not agree with his view that the Meech Lake accord fundamentally takes away from the powers of the federal government and that it somehow denudes the federal government of any of its power and is an accession on a kind of Munich-like level, as he describes it, to the greedy provincial premiers simply asking constantly for more, more and more. That is not how I read the accord. That is not how I see the accord. That is not how I interpret its effect.

Nevertheless, there is that opinion there. It is an opinion that is expressed in the country. I know it is an opinion that was expressed on many occasions in front of our committee here. It was an opinion that was expressed by many appearing before the Manitoba select committee, and it is an opinion that has a wide influence across the country. We would be dumb to ignore it or pretend that it is not out there and not there as a fundamental intellectual case against the accord.

The third category or group of people who have expressed views about the Meech Lake accord that are less than completely accepting of the accord is very different. I think they are fundamentally contained in the documents that come to us from Manitoba and New Brunswick and they are contained in the opinions that are expressed by a great many people about the Meech Lake accord. I think they are expressed by my colleagues here who voted against the accord when it was presented because it has flaws in it which they felt were quite fundamental.

#### 1420

What are those flaws? In going through some of these, I want to emphasize this: Not every objection to the accord as it now stands is an objection to Quebec's five demands, five conditions. I say to the government of Quebec, which I hope is listening: “Do not make the mistake of thinking that every Canadian who has a concern about the Meech Lake accord or who has a view about the Meech Lake accord or who wants something changed, either in the Meech Lake accord or in a companion process of amendments, do not make the mistake of assuming that this is somehow a rejection of any of the five conditions or indeed, more broadly, a rejection of Quebec.”

If the debate is carried on at that level, if the position taken by any government in Canada, including the government of Quebec, is, “You do not like this, therefore you do not like us or you do not like the whole thing,” it is a mistake.

There is one man, one political leader in Canada, who has an interest in doing that. Again, let's talk turkey here. Mr Parizeau has an interest in doing that. Mr Parizeau inevitably is going to say, "Sure, there you are, you have just said no to Quebec." You have people in Manitoba and in Ontario and in New Brunswick who say: "We are not saying no to Quebec. We are saying yes to our native people or we are saying yes to the fact that there are millions of people who have come to this country, who speak every language under the sun and who want Canada to represent them and want to feel that this is their place as well—white-, black-, brown-, yellow-skinned people who see this as their country and somehow want that fact expressed in the Constitution now. Not indefinitely down the road but now."

No one, in my view, would be fair in characterizing that kind of opposition—and I am going to go through some others—as expressing any kind of opposition to Quebec. Let me be quite blunt. It may be in Mr Parizeau's interest or in the interests of those who have a very different vision of Canada to say that every concern about Meech is a rejection of Quebec, but I want to make it very clear that would not be in Canada's interest. It is not in Canada's interest to interpret those objections in that way, and one has to be very thinking and careful about this whole process.

What are the objections? Everybody in this House understands. How would members feel if they were living in the Northwest Territories or the Yukon and they were told that effectively they were disfranchised with respect to many important questions? The reality is—again, let's talk turkey here, my friends. The only territorial jurisdictions in which our native people have a majority now and could conceivably have a majority for the indefinite future and may want to see provincial status as a way of expressing their right to self-government—how do members think they are going to feel and how do members think they do feel when they are told directly that they have to get the unanimous consent of all the other provinces before they are admitted into the club, a condition that has never before been attached to the creation of provinces, ever before in Canadian history?

It is tough. It is an injustice. Anybody has to recognize it as an injustice. I do not believe it is an injustice that is necessary. I do not believe it has anything to do with the five conditions of Quebec, the question of our native people, issues that we are going to be debating in this House.

Every province is going to be facing and having to come to terms with this question. Why not build a process into the Constitution that gives them some sense that self-determination is not going to be a never-never question, it is going to be real?

The question of multiculturalism: I touched on that. Multiracialism: I touched on that. The question of its relationship to women: I do not share the view that there is any problem with regard to the relationship between the charter and the "distinct society" clause with respect to women, but there are some who do. Is somebody saying that question is one that speaks directly to the five conditions of Quebec? I do not believe so.

Then we come to the one which does. This is going to be a hard one and I do not have the magic answers to this. My critics on the other side will say, "Hurray, he finally admitted that he didn't." That is the question of the spending power, because there are very different views of this.

I regret the decision or the view expressed in the Manitoba report that the section on the spending power should simply be deleted, because I can tell you, Mr Speaker, from my understanding of Quebec, as limited and as frail as it is, that if there is something that really has been fundamental to Quebec's constitutional position, certainly since Jean Lesage, it is the question of the limitation of the abuse, as Quebec sees it, of the spending power by the federal government to intervene in areas of provincial jurisdiction.

Je veux dire directement à la population du Québec qu'il y a ceux qui s'opposent à l'accord du Lac Meech pour des raisons que nous ne pouvons pas supporter ou appuyer: qu'il y a ceux qui s'y opposent pour des raisons, franchement, de haine. Le sentiment antiquébécois, antifrancophone et antifrançais, ça existe. Ce n'est pas quelque chose dont nous pouvons être fiers, mais nous devons reconnaître que c'est une réalité partielle de la vie canadienne. Cela existe.

Il y a ceux qui s'y opposent pour des raisons idéologiques, comme M. Trudeau et comme d'autres qui voient dans le document du Lac Meech une attaque sur les pouvoirs et les capacités du gouvernement fédéral, et en même temps, un retour de pouvoir aux provinces qui n'est pas acceptable pour leur vision d'un Canada fort et uni, comme ils le disent, mais surtout fort, où les provinces n'ont pas vraiment un rôle très important à jouer. C'est ce point de vue que je n'accepte pas, mais tout de même, c'est un point de vue qui est là et qui existe dans le pays.



Mon troisième point, c'est qu'il y a ceux qui ont des objections à certains articles ou à certains aspects du document du Lac Meech qui ne s'opposent pas du tout à la province de Québec et qui ne s'opposent pas du tout aux cinq conditions de base qui ont été établies par le gouvernement québécois. Il ne faut pas confondre l'opposition idéologique, si vous voulez, avec l'opposition qui vient de ceux qui s'opposent à tout.

Il ne faut pas dire que chaque personne qui a un problème avec un certain article s'oppose à l'inclusion du Québec dans la constitution canadienne. Il ne faut pas confondre cette question, parce que si cette question est confuse, nous n'allons pas pouvoir trouver de solution à nos problèmes — j'en suis convaincu.

Par contre, je suis convaincu qu'il est possible de trouver une solution — c'est très difficile, mais le Canada est difficile — mais seulement si nous reconnaissons que les cinq conditions de base du Québec sont acceptables et acceptées par toutes les provinces canadiennes et par tous les chefs des partis provinciaux partout au pays, et en même temps, si le gouvernement québécois est prêt à discuter et à entendre les objections qui viennent sur certains articles pour voir s'il n'y a pas de solution possible.

#### 1430

I believe profoundly that we have to find a way of saying yes to Quebec and saying yes to Canada without saying no to native people, without saying no to the Northwest Territories and the Yukon, and without saying no to other concerns that have been raised about this accord.

I would tell you, Mr Speaker, that as a political realist and analyst of the situation—I have already voted for it, so I am telling you that I have made my decision that on balance I am prepared to accept it, but I am not so sure others are in the same position.

Where are we? In my view we have to find a way of accepting that the Meech Lake accord is the basis for national reconciliation, but that it may well be that some changes, either to the accord itself or some other agreements that are companion to the accord, will allow the process of constitutional dialogue to move ahead and will allow us to make progress and include Quebec, which after all is the objective of this particular round of constitutional talks.

It is not going to be easy, but I would suggest to every member that if ever it was true that it ain't over till it's over, this is it. I remind members of what happened back in 1980 and 1981. I was in the House of Commons when it was said, "It's this or nothing." Closure was in

vogue. People stood up and swung the mace around. People ran off to the courts of appeal in various provinces. The provinces got together. There was a national crisis. It went to the Supreme Court. Each side was convinced it was going to win. The Supreme Court came down with a sort of Solomon's judgement, basically saying, "You'd better get your act together and meet again."

One deal was cooked up between a certain number, then that deal was changed and then another number were brought it. That was presented to the Parliament of Canada as a fait accompli. The women and the native people said: "Wait a minute. You left us out where we were in before." Parliament had to come back and look at it again and the premiers had to decide whether or not they were going to accept that last minute change.

It was a very messy, imperfect process, certainly not the ones one reads about in the great events of writing constitutions, whether it be the Congress at Philadelphia or whatever it was, or the coming together in Charlottetown and in Quebec City in the events that preceded 1867, but I would suggest that is the way it is done.

With these documents and with the debate as extended as it has become, I would suggest that we are probably in a better position now to reach a genuinely national understanding even than we were two years ago, but it is going to be very difficult and it is going to require give on all sides, with the understanding that the accord that was signed has to be the basis for this round and has to be the basis for including Quebec.

That is what I am committed to doing. I have said to the Premier—I think the public should know that this is one subject upon which the Premier and I are able to chat without shouting at each other—I have said to the leader of the Conservative Party and I have continued to talk with people at the federal level as well as in other provinces—I have offered to do whatever can be done to keep the dialogue going, to keep the discussion going and to make sure we do not lose this opportunity, as it has been described by so many.

The stakes are very high. I profoundly believe the country's life itself is at stake. Much has happened to take away from the capacities of government. Our sovereignty has been affected, I believe affected very, very directly, by the free trade agreement. If we fail to begin to define what it means for us to be a country, if we fail to define the relationships between all of us in this country, and if we fail to establish a process in

which this dialogue can continue and take place, we will pay a heavy price and none of us should be under any illusions as to what that price is.

Having said that, the ball is in all our courts, not in one or the other; it is in all of our courts as we come to terms with that most basic of questions, what is Canada?

**Mr Brandt:** Usually I enjoy following the Leader of the Opposition. Today, I am not too sure.

I want to begin my remarks by stating that the Premier called me some two days ago to inform me that the Attorney General would be speaking on the constitutional accord in the House today. It is a courtesy that I wish to acknowledge and I want to thank the Premier. It is my hope, as I know it is his and the hope as well of the leader of the official opposition, that the spirit of co-operation on this topic of such national importance can continue in the future as it has in the past.

Mr Speaker, I want to respond, if I may, to the remarks of the Attorney General and with your permission I would like to put my remarks in the context of both the message and the messenger.

First, the message: The message from the government, as advanced by the Attorney General, appears to be that we can live with what New Brunswick has proposed but we are not so sure about Manitoba. The renewed opposition from Newfoundland, on the other hand, is barely mentioned as the Attorney General is limiting himself to legal opinions.

My response to the government, to the Attorney General and the Premier is, gentlemen, look at the time we have wasted, the opportunity to show leadership on this issue of such vital importance to Canada.

New Brunswick has suggested a parallel accord to address the deficiencies of the constitutional accord agreed to at Meech Lake. I ask them, how does this differ from the position put forward, the two companion resolutions that were put forward by my colleagues the member for Nipissing (Mr Harris) and the member for Parry Sound (Mr Eves) during the deliberations of the select committee on constitutional reform, resolutions, I might add, that were defeated by the government members on that committee.

I ask them, why is a parallel accord acceptable now, when on 29 June 1988 in this Legislature, when I put forward those identical resolutions stating Ontario's belief that the recognition of our aboriginal people and the recognition of Canada's multicultural nature should accompany the passage of the Meech Lake accord, both the

Attorney General and the Premier voted against it?

I ask them, how much stronger would Ontario's position have been as mediator, as a bridge between the opposing views on Meech Lake, if they had listened to the undercurrents of the nation and accepted that the Meech Lake accord was not cast in stone? It was not perfect, as the Leader of the Opposition has so clearly pointed out. There were improvements that could be made and the means by which to make those improvements were at hand.

The Attorney General was somewhat harsher in his comments about Manitoba's position, less relenting, less forgiving of the legitimate concerns expressed by its parliamentarians. To the Attorney General, to the Premier, I repeat my earlier question: How is it that we have wasted so much time? How could we have missed such an opportunity?

The Premier and the Attorney General will know that the majority of the concerns that were identified by Manitoba were also identified in the public hearings before Ontario's select committee on constitutional reform, as was, I might add, the possible solution to that impasse. That solution was for the government of Ontario to refer the question of the impact of the accord to the Supreme Court of Ontario so that every province and every Canadian would know without any question whatever just what impact the accord would have on their rights as defined by the Charter of Rights and Freedoms.

#### 1440

Over 16 months ago, my colleagues proposed a solution to the select committee that was studying the accord at that time. The reference was already written. The precedents for such an action were already identified, including, I might add, the government's earlier referral of Bill 30 to the courts system. The benefits of such a referral in my view are obvious, and as obvious now as they were then. An opinion from the Supreme Court would have clarified the impact of the constitutional accord. It would either have laid to rest some of the serious questions surrounding the accord or it would, on the other hand, have identified any serious flaws, which could have been rectified by the 10 premiers and the Prime Minister.

The amendments that were put forward by my colleagues asking for such a referral were, again, defeated by the members of the committee.

That is my response to the message we have heard today from the Attorney General. By his statement today he has affirmed, in my mind and



in the mind of those of our colleagues who have listened, I believe, with an open mind to this debate, that we have wasted close to a year and a half, that the position that he the Premier are slowly evolving towards is precisely the position he and his colleagues rejected in this House on 29 June 1988.

In my view, that is a waste of some 16 months that could have been avoided, for the ultimate irony is that there was no surprise in the positions put forward by the provinces of New Brunswick and Manitoba. They could have been predicted the day this Legislature voted on the Meech Lake accord last year, for the very same concerns that were put forward by New Brunswick and Manitoba, and which they are now attempting to address, are precisely the concerns speaker after speaker identified in public hearings before Ontario's own select committee.

Those are my comments about the message we have heard today. I now want to speak very briefly about the messenger, which I believe is a far more serious matter and has far more serious implications for the role to be played by Ontario in determining the fate of the Meech Lake accord.

With all due respect to the Attorney General, a man whom I respect and who I know has laboured hard on his statement today on behalf of the government and has performed, I say quite openly in this House, a valuable service in the past on the matter of bringing this nation together under the proposed accord, my question is: Given today's climate, is it really the Attorney General who should be speaking for Ontario? Who cares about Ontario's legal opinion about what New Brunswick and Manitoba have to say about the accord? Presumably, they have their own legal opinions, as has every other province as well as the federal government.

The crucial question here is not what the Attorney General of Ontario has to say about the accord and the legal ramifications of the positions of the respective provinces, but what the Premier of Ontario has to say. What is his opinion? What are his plans? Just where does Ontario stand?

This is not a debate for the 10 provincial attorneys general and their federal counterpart, if it ever was. This is an issue, an exercise in shoring up the foundations of this country that must be addressed by the premiers and the Prime Minister, which is why yesterday it was the Prime Minister, I might add, and the two federal leaders of the opposition parties who spoke in favour of Meech Lake, recognizing the difficulty

this country is in at the moment in connection with the controversy surrounding this whole question.

Therefore, it is with regret that I say to the Premier that it is he who should have stood in this House today to speak for Ontario, not the Attorney General.

It is with regret that I say to the Premier that if he had lived up to the three commitments he gave to this House 16 months ago, creating a framework for future constitutional changes initiated by public discussion in Ontario, perhaps some of the regional and linguistic tensions facing Canada and Ontario could have been avoided, for a safety valve would then have been present for the release of those tensions.

It is also with regret that I say to the Premier that if Ontario had taken a more flexible role some 16 months ago in the initial stages in its approach to the constitutional accord of 1987, if Ontario had been quicker to anticipate and react to the concerns that were voiced by women's groups, by our aboriginal peoples, by our multicultural communities and by the Northwest Territories and the Yukon, as well as by the provinces of New Brunswick, Manitoba and Newfoundland, then the upcoming first ministers' conference would have been to discuss any last-minute questions about the 1987 constitutional accord, instead of to discuss how it can now be saved.

In a few days the Premier will be going to the first ministers' conference to speak for Ontario. As such, he deserves to know where the members of all parties stand on the constitutional accord reached in 1987. The Premier knows that when he speaks at the first ministers' conference, he will be carrying on the vital task, the tradition of nation-building established by previous premiers of this great province.

He knows that no matter our differences in this House, which as we all know can at times be many and deep, when he steps on the national stage and speaks for the recognized good of Canada, then he has my support. As I have said so many times in the past, and I affirm again today, along with, I believe, all members of this Legislative Assembly, I am, we are Canadians first, as was Leslie Frost, as was John Robarts, as was Bill Davis. A strong Canada means a strong Ontario. Without a strong Canada, then we are all diminished; we are all lesser parts of a greater whole.

I say to the Premier that my position has not changed with respect to the constitutional accord that was reached in 1987. Yes, the accord is

flawed; yes, it can and should be improved, but I support it, for in the final analysis it will allow Quebec to become a signatory to our Constitution, and that is the vital question that must be resolved for our nation.

I believe it is a goal we must pursue, even though the risk may be great, for Canada is richer for Quebec, as is Ontario. To have Quebec's energy join ours, totally unfettered and fully directed to making this great nation of ours grow and develop, to challenge the future together, all provinces and territories standing as one, is to envisage a society, a country that does indeed have the potential to be a world leader in the decade and the century to come. A solution can, and I believe must be found to the present impasse that is preventing the ratification of the 1987 constitutional accord.

I am hopeful that when the Premier of our province attends the first ministers' conference, when he speaks for Ontario, he will listen to the suggestions put forward by others and return with an amended position on the 1987 constitutional accord that will meet with the approval of all members of this House. I know most members share that hope.

I want to say on behalf of my party that I wish the Premier Godspeed in his work. I wish him, Ontario and Canada every success.

## ORAL QUESTIONS

### TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** I have a question for the Premier. I understand he just had a meeting with Chief Potts and I know he will be aware of the announcement by Chief Potts and the Chiefs of Ontario that a blockade is planned, beginning on November 11, at the Red Squirrel Road. I would like to ask the Premier what he is planning to do now in order to avoid what I am sure he would agree could become a tragic confrontation.

**Hon Mr Peterson:** I did have a conversation with Chief Potts just prior to question period. We did not discuss that particular situation. He did not inform me that he was going to have a blockade on November 11. We talked about the road, about the timber management, about a treaty and about land claims. I told him we were ready to sit down on any occasion to discuss the land claim they have in that area, and we are ready, willing and able to proceed.

I told him we have always respected the law, as I am sure he would want to do in the circumstances. Everything that has been done has been with the approval of the courts, and I

hope, as the member hopes, everyone will respect the law.

**1450**

**Mr B. Rae:** Does the Premier not recognize the seriousness of the situation which now faces all of the province? That road and the area around it have been the scene of controversy involving environmentalists, native people and the government of Ontario. Does the Premier not recognize that unless he is prepared to stop further construction of the road and negotiate right away with the band, and signal to it that he is prepared to negotiate, then we are headed for a major confrontation in this province the likes of which we have not seen in recent history? Does the Premier realize the seriousness of the situation he is facing?

**Hon Mr Peterson:** I told the chief and I tell the member that we are prepared to negotiate right this minute. I said I would sit down this afternoon, as the Attorney General (Mr Scott) would. We are ready to negotiate on any occasion that they want to come forward and do so.

**Mr Wildman:** I do not want to overdramatize the gravity of the situation, but could the Premier indicate as a demonstration of good faith that the provincial government is prepared to stop the road construction as a first step to bringing the band and the government negotiators to the table to negotiate, and recognize that the deadline of 31 December is not set in stone?

**Hon Mr Peterson:** I appreciate the honourable member's question. We have litigated this matter for 15 years. For 15 years it has gone on. The government has been forthcoming in its offer of a land claim settlement. We sit ready and willing to negotiate. My friends opposite can stand up in this House and ask us not to respect the law. That is what they are asking. The law has been complied with on every occasion, and what they are saying is that because someone threatens the government or disagrees with the law, we should back off or change.

Governments are challenged every day on their authority and they are challenged on the wisdom of their decisions, and that is fair enough, but ultimately at the end of the day one must respect the law, as this government has always done.

**Mr B. Rae:** Building a road is not a law.

**Hon Mr Peterson:** Everything that has been done has been with the approval of the law. My friend opposite, the Leader of the Opposition, stands up and predicts a great confrontation. I



would not assume for a minute that he has been trying to encourage people to break the law, but I will say this: His example encourages exactly that, and when legislators, democratically elected leaders who are supposed to respect the law, take that position, then the member can expect, perhaps, the consequence that he desires out of this circumstance. But I say to my honourable friend, he has a responsibility in this whole matter, as does everybody else.

**Mr Wildman:** On a point of order, Mr Speaker: I would like the Speaker to consider carefully the comments just made by the first minister of this province to determine if he was in any way imputing motives to my leader.

**The Speaker:** I listened very carefully, and I will take that into consideration.

**Hon Mr Peterson:** If it will make your job easier: if I have, I withdraw.

**The Speaker:** The Premier has withdrawn. Thank you.

#### CANCER TREATMENT

**Mr B. Rae:** I have a question for the Minister of Health. I am not allowed, for reasons of confidentiality, and I am sure the minister will appreciate it, to give the minister this woman's name, but I can give her the exact details of the case, and I want the minister to respond.

Mrs X was diagnosed with breast cancer, had surgery and her doctors determined that she needed follow-up treatment and passed her file on to the Princess Margaret Hospital. Princess Margaret Hospital said, following its recent decision, it could not take her. It has assigned her case to Ottawa and she has to travel to Ottawa for five consecutive weeks.

Why is it that this woman has only enough money from the Canadian Cancer Society to effectively pay for one trip, and why is it that she has to lose other money—that is to say, her work here in Toronto—because of the failure of this government to plan effectively for the treatment needs of her and many other cancer patients?

**Hon Mrs Caplan:** I understand the stress of cancer patients who have to travel. That has been a reality in this province for many, many years. In fact, we have eight centres, as the leader knows, and people travel to those eight centres so that they can get the kind of specialized care they require.

We made a commitment, and my priority is to see that people get the care they need when they need it. We are working with Princess Margaret Hospital, the Ontario Cancer Treatment and

Research Foundation, the Canadian Cancer Society and Mission Air to ensure that people do not experience costs in having to travel. If the member will give me the details of the case, I will be happy to look into it.

**Mr B. Rae:** Just so the minister understands the human dimension of this case, this woman is a piano teacher. Her students are studying for their exams. They cannot study for their exams when she is travelling to Ottawa for her radiation treatment. So they lose their exams and she loses her income as a piano teacher. This is the human consequence of the failure on the part of this ministry to anticipate the tragedies that are out there.

Is the minister now prepared to fully compensate people for their full loss in terms of what they themselves are losing as a result of her forcing them to travel hundreds of miles in order to get treatment instead of being treated close to home, as the Liberal government and the Liberal Party have promised consistently for years?

**Hon Mrs Caplan:** On numerous occasions in this House, the Leader of the Opposition, in fact, has not been accurate in his portrayal of individual cases. I am always prepared to investigate individual details. I said very, very clearly that because of this unusual situation in Toronto, which resulted when a number of radiation therapists took jobs in other parts of the province, we are working together to make sure that people get the care they need when they need it, and to make sure that they do not experience costs.

He knows that, and we are committed to doing that.

**Mr B. Rae:** I want to make it easy for the minister. I am not asking her to be concerned. I am not even going to talk about the pressure, the strain, the emotional side of the anguish of having to travel hundreds of miles in order to get care which ought to be provided far closer to where people are living. I am going to ask the minister a simple, direct question.

Is the minister prepared to compensate people financially for their full loss when they are forced to travel because of this government's incompetence?

**Hon Mrs Caplan:** I have to tell members that I am offended by the categorization of the Leader of the Opposition because, in fact, this is a human issue and this is about people getting the care that they need when they need it. He knows very, very well that we have responded, we have taken action, and we are ensuring that people get the care they need.

We are working with the Canadian Cancer Society and Mission Air and there are many, many people referred to Toronto who could receive services in a place closer to their homes or just as close to home. That is what the referral centre is for, but my priority is to make sure that people get the care they need. I have undertaken to do everything that I possibly can to see that it happens, and I want the Leader of the Opposition to know that I have been assured that it is happening.

1500

## DRUG ABUSE

**Mr Runciman:** My question is for the Premier. I would like to ask the Premier about the appointment of the Minister of Tourism and Recreation (Mr Black) as the some-time, part-time or little-time minister responsible for his government's so-far mythical antidrug strategy.

In other jurisdictions where drug co-ordinators have been named, such as the state of Michigan, they have been allowed to devote all of their energy to fighting drugs. Considering that drug use is responsible for great increases in violent crime and is destroying families and lives in this province, what is the Premier's possible justification for making this a part-time job? Is he telling us that drug abuse is a part-time problem?

**Hon Mr Peterson:** I do not think that is a fair characterization of the government's thinking, and I honestly think my honourable friend is known for these kind of things so I do not take it as seriously as I might from some other member.

I think it is acknowledged that the minister, who has had a task force report on this matter, is widely knowledgeable. We recognize the fact that it is an interdisciplinary problem; it affects a number of ministries. Obviously, one could have taken Health, one could have taken Education, one could have taken the Solicitor General, but it is all of those things.

I wanted a minister with a profound understanding of the problem, as a parent, as a teacher and as someone who did a report that is widely respected across this nation, and someone who had the capacity to draw it all together. I have inordinate faith in his capacity to do that.

**Mr Runciman:** Meaningless and offensive rhetoric at best.

The government recently announced, as complementary to its no-responsibility auto insurance plan, it was going to hire 115 OPP officers for highway patrols. Over a year ago, the Premier had a recommendation from the minister responsible for the provincial antidrug strategy to hire

an additional 32 officers for the OPP antidrug squad and the necessary support staff—and nothing has happened. We have to wonder how many young people have been sold drugs because the extra officers were not in the field.

If the Premier is so committed to fighting illicit drugs, will he tell us why he can, almost overnight, hire 115 officers to nab speeding motorists but he cannot beef up the drug squad? Does he care more about seizing Fuzzbusters than drug pushers?

**Hon Mr Peterson:** No.

**Mr Runciman:** The Premier undoubtedly is aware of a story in today's newspapers where Judge Stephen Borins states that because of a shortage of courtrooms and judges, four individuals charged with cocaine trafficking were allowed to go free. In his report on drugs, the member for Muskoka-Georgian Bay (Mr Black) recommended that the Ministry of the Attorney General be given the resources to improve the delivery of criminal court services. It appears quite clear that this recommendation is moving as quickly as the government's promises on more hospital beds and lower auto insurance rates.

Will the Premier indicate whether he intends to take concrete action on this recommendation and many others in the minister's report and treat drug abuse as a full-time problem with a full-time minister? Or do we have to continue to listen to hollow rhetoric while more and more lives are destroyed and drug pushers go unpunished?

**Hon Mr Peterson:** I appreciate the honourable member's very thoughtful and constructive suggestions and I will pass them on to the minister.

## NURSING SERVICES

**Mr Eves:** I have a question of the Minister of Health. I have another individual who has had a problem with our health care system in the last few days. This is the case of six-year-old Lisa Harrod of Barrie, Ontario, who had scoliosis and had her corrective surgery cancelled twice at the Hospital for Sick Children because of operating-room cutbacks.

Lisa had her initial operation in November 1988 but she needed two more. The subsequent procedures were scheduled for 1 August 1989 but in July she had her surgery postponed until October. The last two procedures were then scheduled for 19 October and 26 October but on 12 October they were cancelled and no commitment was made to perform them. After Lisa's mother told the story to CKVR television in



Barrie, the operation was scheduled and performed just a couple of days ago on 31 October.

The hospital indicated that it closed three operating rooms this summer and it has been unable to reopen them because of a nursing shortage. What is the minister doing to correct the nursing shortage at the Hospital for Sick Children and other hospitals around this province?

**Hon Mrs Caplan:** If the member will send me the details of the case, I will ask the Hospital for Sick Children to account for the decisions of its staff who are responsible for making those kinds of decisions. I know how difficult it is for any family, whether or not the surgery is elective, as obviously this one clearly seemed to be, to have to wait or to have surgeries postponed, especially when children are concerned.

I am very aware of the issues facing nurses and I have been listening to them as I travel the province. We have had a number of reports, and the member knows that I have taken significant action, both in the development of a regulation to give nurses more say in hospitals and in initiatives that were announced earlier this week to change the attitudes to ensure that nurses within the hospital sector not only have greater say but have opportunity through a nursing innovation fund. I would say these certainly do not go far enough, but they are an important first step.

**Mr Eves:** I think the members of the House are all too well aware of the action the minister has taken with respect to the nursing shortage. As a matter of fact, on the regulation she speaks of, which was well needed, the implementation date for compliance by all 223 hospitals across the province was 30 September. We have pointed that out to her. She is the individual who is supposed to make sure that is complied with by every one of those hospitals by 30 September. She has not done a thing. It is now 2 November.

The nursing vacancy rate at the Hospital for Sick Children is 7.5 per cent. The vacancy rate for the nursing profession in Metropolitan Toronto is 10 per cent. What specific action is the minister taking to address the acute nursing shortage in the province of Ontario, and specifically in Metropolitan Toronto, so that people like Lisa Harrod will not have to have their surgery postponed indefinitely?

**Hon Mrs Caplan:** No matter what we do, I know the member's criticism is always that it is not enough, it is not soon enough and it is not fast enough. He is very good at being critical; he is not being at all constructive.

The hospitals of this province have informed me that in fact they would like to have a survey conducted—we are doing that right now—to determine what, if any, obstacles there are to the implementation of the regulations. We are working co-operatively to ensure that not only the intent but also the spirit of the regulations is there.

I announced a package of nursing initiatives which will be an important step in responding to many of those systemic issues which the nurses are telling me are so related to quality of worklife. I can say to the member that the appointment of a nursing co-ordinator and two nursing advisers in the Ministry of Health will make sure that whatever we can do in adjusting policies, in sensitizing employers and employees, will be done.

**Mr Eves:** The minister is well aware, I presume, of the comments of the president of the Ontario Nurses' Association, Pat Bethune, in response to the announcement which the minister glowingly pats herself on the back for. She said, "Unless we can get better pay in the next round of negotiations in 1990, these steps won't be that significant in retaining and attracting nurses."

When is the minister going to acknowledge that she has a very direct and important role to play in determining nurses' salaries in Ontario? Hospitals receive on an average 81 per cent of their funding from the Ministry of Health. Seventy five per cent of their operating expenses are salaries and the overwhelming majority of that goes to nurses.

Will the minister not agree that if she provided the public hospitals in this province with more money, specifically directed to give to their nursing staff, she could take a very direct step in solving the nursing shortage in the province of Ontario?

**Hon Mrs Caplan:** The critic for the third party has just displayed his fundamental lack of understanding not only of how the health care system works but of the collective bargaining process, where the nurses, who are the employees of the hospitals, negotiate their contract with the hospitals through the Ontario Hospital Association. He should know that the hospitals are a transfer payment agency of this government, that they receive their funds and then allocate them appropriately to deliver the services which they determine are needed in the community.

There has been an enormous increase in the last few years since this government took office, and I am proud of the fact that this year some \$6

billion is going to the hospitals of this province. When the member stands in his place and asks the kind of question he just asked, all it displays is his fundamental lack of understanding, lack of sensitivity and lack of support of the collective bargaining process.

Interjections.

**The Speaker:** Order. Has the member for Parry Sound (Mr Eves) cooled down?

1510

#### ONTARIO DAIRY HERD IMPROVEMENT PROGRAM

**Mr Wildman:** I have a question for the Minister of Agriculture and Food regarding the dispute that has disrupted the services of the Ontario Dairy Herd Improvement Corp to the dairy farmers of this province over the last two weeks.

In view of the fact that the two sides were very close to a settlement, and in view of the fact that now only 20 per cent of the required work is being done and as a result the supervised herds could lose their record status, when is the Minister of Agriculture and Food going to meet his obligations to the dairy farmers of this province and bring both sides back to the table to reach a settlement so that the technicians can get out and do the inspections that they want to do and that the farmers require?

**Hon Mr Ramsay:** I would first like to clarify to the member that the Ontario Dairy Herd Improvement Corp is a private corporation which provides milk production testing for the dairy farmers of this province. I would like to make that clear to let the member and the public know that this private corporation is involved, not in quality testing of milk at all but in the quantity testing of milk, and the quality and quantity of milk supply in this province is not affected by the strike.

I would also like to assure the member that I, like he, agree with the collective bargaining process. Therefore, it would be inappropriate of me to comment on this dispute.

**Mr Wildman:** Surely we all recognize that the reason this corporation is a private entity is that this government has privatized it and that the government used to provide the service that is now being provided in the private sector.

Also, we should recognize that this provincial government provides a \$3-million subsidy to the program, so the purse-strings are in the hands of the minister. The provincial government's funding has declined over the last few years.

Will the minister agree that this service should be adequately funded and managed by the provincial government to assure the accountability of the program to the farmers and its availability to the farmers who might have fewer resources and who want to be involved in the dairy herd improvement program?

**Hon Mr Ramsay:** As the member says, we subsidize this private corporation in helping it provide this service to the farmers of Ontario and at this time, even with this dispute, the service is provided by management through its laboratory in Kemptville.

#### DEVELOPMENT CHARGES

**Mrs Cunningham:** I have a question for the minister of all education. Today the York Region Board of Education revealed, unfortunately, that because of the implementation of education lot levies, developers have served notice that school boards across the province will now have to pay market value for their land.

**Mr Ballinger:** They asked for the bill.

**Mrs Cunningham:** Will the minister acknowledge that part III, the lot levy section of the Development Charges Act, will directly increase the cost of constructing new schools?

**Hon Mr Conway:** To my good friend the member for London North, for whom I have the highest regard, so much regard, quite frankly, that I would take this opportunity to encourage her in a very public way to focus her attention on the 12 May opportunity that we now know more formally.

Interjections.

**Hon Mr Conway:** Well, I do. I have a very high regard for my friend the member for London North, but I do not accept her analysis of the impact of Bill 20. My friend the very learned member for Durham-York (Mr Ballinger) observed parenthetically that some of the people who are now complaining about Bill 20 are the very people who asked that it be brought forward.

I have to say to my friend the member for London North that this government has done two very important things in the area of school capital. First, we recognized that the appropriations of l'ancien régime conservateur were altogether too miserable for the growing needs of Ontario. We recognized that \$72 million being offered in 1984-85 was simply not enough; our good friend the Treasurer (Mr R. F. Nixon) has in recent times more than tripled that appropriation. That, I think, is very important.



Second, we have recognized that fast-growth areas in parts of Ontario are going to need additional instruments to relieve the extraordinary pressures on their capital accounts. That is why we want areas like York region, not areas like Renfrew county—

**The Speaker:** Thank you. Order.

**Mrs Cunningham:** My supplementary is a little more detailed than what I had intended. This government has done two things for schools. It is giving less proportionately—it has gone from 75 per cent to 60 per cent—in support for capital funding. It has also done something for families; this legislation will very directly increase the cost of the home, the home to the home owner and the home to the school board, which is the new school. It is very simple.

The Association of Municipalities of Ontario, the Ontario Home Builders' Association, the Ontario Public School Teachers' Federation and growth boards in London and Waterloo, just to name a few, never mind the others, realize they have to get into the game to get the money now, because the minister has forced them into it. Never mind those. They have all told the minister that this is a flawed piece of legislation. There is no point in me standing up here and asking him to withdraw part III because I do not think he is really going to do that.

**The Speaker:** But what are you going to ask?

**Mrs Cunningham:** For heaven's sake, will the minister tell us that he will increase back to the regular level, from 60 per cent to 75 per cent, the provincial share to school capital that was there before?

**Hon Mr Conway:** I want to say again that our friend the member for London North has had more experience in local school board activities than many of the rest of us, and she will know the active lobbying of school trustees to do many of the things that this government is now doing.

She will know, for example, that as a result of the increased capital appropriation—and I repeat, the Peterson government has more than tripled the capital grants to school boards, not just so thousands of new places can be provided, but so that in areas like Wellington, for example, we will get on with the task of renewing and replacing older schools that were simply not getting nearly enough attention, in reducing the—

**The Speaker:** Order. Order.

**Mr Eakins:** He should be allowed to go on; that was good.

**Mr D. S. Cooke:** That should be a warning. Throw him out.

**The Speaker:** It was certainly difficult to hear. New question, the member for Brampton South.

#### EMPLOYMENT ADJUSTMENT

**Mr Callahan:** I was—

**Mr D. S. Cooke:** Is this a question about your pay?

**Mr Callahan:** That is not a bad one. Maybe I will try that one instead.

I was very grateful to receive from the Glidden Co, a company that has been in my riding for some considerable period of time, notification that there will be a relocation of the plant in March 1990. This concerns me greatly because some 90 salaried and plant positions will be transferred to a community outside of my riding.

I would like to inquire of the Minister of Labour as to whether his ministry is aware of this and what steps will be taken to see that these employees are adequately compensated.

**Hon Mr Phillips:** As I think the members may be aware, part of our Employment Standards Act does require companies planning layoffs of 50 or more to notify us. I gather that was done yesterday in the case of the Glidden Co. Unfortunately, the member is correct, they will be closing two plants, one in the city of Toronto and one in Brampton.

In terms of help for the workers, our Employment Standards Act does require a certain severance pay, and my understanding is that the company will at least meet that, if not exceed it. We have what is called the employment adjustment branch which, if the employees wish us to be involved, will be of assistance to them in terms of helping to relocate and to find other employment. Unfortunately, it is true that the plants are closing, and we will be of whatever assistance we can be to the workers of those two plants.

1520

#### AMBULANCE SERVICES

**Mr Mackenzie:** I have a question for the Minister of Health. In less than two weeks the communities of Owen Sound, Port Elgin and Kincardine may be without ambulance service because the Ontario Ministry of Health refuses to grant funds to allow Owen Sound Emergency Services Inc to pay its ambulance officers the same amount as the ministry pays its own employees.

The 24 full-time employees employed by OSES earn only \$13.84 an hour, or 12 per cent lower than the projected 1989 Ontario public

service rate, and the 10 part-timers earn even less at \$10.25. The ambulance officers, who are in the front line of the health care system, deserve the same pay.

The Ministry of Health controls the budget of its transfer agency, the private company OSES, line by line and is providing only a four per cent increase in its allocation for salaries. The minister has given adequate funding to at least seven other private ambulance services in Ontario to ensure parity with the public sector.

How can the minister justify this lack of fairness to the workers and the communities of Owen Sound, Port Elgin and Kincardine, and will the minister ensure that Owen Sound Emergency Services receives enough funding to treat its workers and the community fairly by providing wage parity?

**Hon Mrs Caplan:** As the member opposite knows, the ambulance services in the province are provided by private operators, municipal operators and hospitals, and only nine of them are actually ministry-operated. For the nine that are ministry-operated, the Human Resources Secretariat negotiates with the Ontario Public Service Employees Union to determine contract settlements. The Ministry of Health does not negotiate directly. Neither can we comment on negotiations between the employees and the operator in this case.

**Mr Mackenzie:** The union representing the workers, Ontario Public Service Employees Union Local 250, is prepared to go to voluntary binding arbitration to resolve this question. The employer is refusing. One of the concerns is that the Ministry of Health would not provide the money necessary to fulfil an arbitrator's decision if he should rule in favour of awarding parity. This is exactly what happened in 1985 in a similar situation with the McKechnie Ambulance Services in Collingwood. An arbitrator awarded parity. The government refused to transfer further funds.

Will the minister assure this House and the workers and communities of Owen Sound, Port Elgin and Kincardine that it would provide the funds necessary to meet an arbitrator's award?

**Hon Mrs Caplan:** The issue the member raises is the subject of negotiations between an employer and its employees and their union. It would be inappropriate for me as Minister of Health to comment on these kinds of labour negotiations.

**Mr D. S. Cooke:** You're at the bargaining table.

**Hon Mrs Caplan:** That is why it is inappropriate for me to comment.

**The Speaker:** Order.

#### ONTARIO DAIRY HERD IMPROVEMENT PROGRAM

**Mr Villeneuve:** I see 50 per cent of the cabinet is not present.

**Hon Mr Conway:** More than the front bench of the Tory party.

**Mrs Cunningham:** If you want to be the government, be the government.

**Mr Villeneuve:** I have a question for the Minister of Agriculture and Food. In his earlier reply to my colleague the member for Algoma (Mr Wildman), the minister said the Ontario Dairy Herd Improvement Corp is a private corporation, which it is, but it is funded at least 25 per cent by the province through his ministry. He also provides a director on the board of the Ontario Dairy Herd Improvement Corp.

With that input, would the minister not agree with the technicians that the Ontario Dairy Herd Improvement Corp has become management-top-heavy and is paying its field staff some 30 per cent less than what comparable jobs are going for in other provinces? What does the minister intend to do about this very unfair situation?

**Hon Mr Ramsay:** Mr Speaker, I got two questions there, as you realize, because I had already figured out what I was going to answer on the first question: No, I would not agree. Two, I think we should let the corporation and its employees work out this dispute.

**Mr Villeneuve:** It is quite unfair because we in Ontario and in Canada have developed dairy cattle that are next to none because we have a reputable milk weighing and testing system. The minister is shirking his responsibility when he is funding over 25 per cent and has input at the board level. Who will take the initiative if this minister is not prepared to take the initiative and let milk weighing and testing go down the drain? The minister is responsible for agriculture and food. It is his responsibility. What does he intend to do?

**Hon Mr Ramsay:** I am tempted to, but I will not be doing anything that relates to milk jokes, but weighing and testing is not going down the drain. Milk weighing and testing is going on as we speak. The lab in Kemptonville is in operation. I think in fairness to the corporation, its management and its employees, we should give them a chance to work out this dispute.



### ONTARIO SCIENCE CENTRE MAILING

**Mr Velshi:** My question is to the Minister of Culture and Communications. Can the minister explain why a covering letter with her signature was included in promotional literature from the Ontario Science Centre which reached residents of my constituency earlier this week?

**Hon Ms Hart:** I had hoped earlier to make a statement about this matter but as that did not prove possible, I thank the member for Don Mills for giving me the opportunity to respond.

Last June, before I was appointed the Minister of Culture and Communications, the Ontario Science Centre developed a marketing plan to encourage people living within a short walk or bus ride to take greater advantage of the programs at the centre. The Science Centre believes that people right in the neighbourhood should be encouraged to take greater advantage of the centre.

On 10 October, I was asked by the Ontario Science Centre, as minister responsible, to sign a covering letter prepared by the centre encouraging local residents to visit this nearby educational facility on a regular basis. Such requests are a normal part of my duties in supporting the agencies for which I have responsibility. It is unfortunate that my responsibility to assist in the promotion of the Science Centre has been misconstrued.

I apologize—

**The Speaker:** Thank you. Supplementary.

**Mr Velshi:** The mailing from the Ontario Science Centre included information of interest to families and to seniors. However, not all people in my riding received this information. Can the minister tell me if the Ontario Science Centre information will reach all the people in my constituency and in other parts of Metropolitan Toronto?

**Hon Ms Hart:** As I was indicating, I apologize to the House that I failed to anticipate the possibility of the exact distribution of this letter. It was my only intention to fulfil my duties as minister in helping to promote the Science Centre.

The marketing incentive plan which the member refers to was prepared by the centre in June, as I understand it. It called for two directed bilingual mail packages, one in October and one in January, to be delivered on a selective basis to areas of East York, Leaside, North York, Flemingdon Park and Thorncliffe Park. This represents phase 1 of a progressive strategy which will unfold over the next year and involve

additional neighbourhoods increasingly more distant from the centre.

### WATER QUALITY

**Mr Charlton:** I have a question for the Minister of the Environment. The minister will recall that before the summer break I raised with him a question about problems in the Millgrove area of Flamborough and the need to do testing on the wells in the Millgrove community to determine the extent of the problem and to try to clarify what had to be done to resolve that problem.

Subsequent to that, the regional municipality requested of the minister that the Ministry of the Environment do testing on all the wells in the Millgrove community. Members of the council have been led to believe that the ministry is not prepared to test all the wells but only to go in and do random testing.

Would the minister please comment on this and tell us what the ministry's intentions are in terms of the Millgrove situation?

**Hon Mr Bradley:** I can tell the member, it is one of a number of situations of this kind I have to deal with. I know there has been some progress made on it, and I have communicated that progress to some of the people who have made inquiries.

Initially, I believe, there was some thought that the work that had been done in the early to mid-1980s would be sufficient and that the assessment of the problem based on those early tests would be adequate. Subsequent to that, some further information was brought to my attention and our ministry did agree that there would be some further testing done. I will attempt to get the precise details of that for the member, because I know, as a result of further communications and with the individual who made the request, the resident in the area who made the request, and with the municipality, we are working on what I think will be a superior way of dealing with that, but I will be happy to get the further information for the member. If he has a supplementary, I will get further information for him on that as well.

### 1530

**Mr Charlton:** First, I was glad to hear that the minister understood to reject the testing that was done earlier, because the situation in Millgrove is that community, all on septic, has expanded in such a fashion that the ground water situation has changed substantially. The minister should be well aware that ground water tables do not operate in a regular or predictable fashion, and

therefore, random testing of the wells in Millgrove may or may not identify the extent of the problems we are trying to identify here.

I want to ask the minister to assure us that, regardless of the particular protocol approach the ministry is going to take to testing of the wells, all of the wells be tested to ensure we do not miss the problem.

**Hon Mr Bradley:** I appreciate the member's raising the question again, as I know the member for Wentworth North (Mr Ward) has done with me on a number of occasions. He has properly identified the fact that the development proposal is different from the one that was originally proposed. I think that is what certainly justified doing a different kind of more extensive testing. I will review with my officials the particular protocol to be used and take into consideration the representations the member has made, because we want to ensure that we in fact have a situation where we have adequate and acceptable water for all of the people in the area. So I thank the member for sharing that with me and I will be prepared to look into that expeditiously.

#### SOCIAL SERVICES

**Mr Cousens:** I have a question for the Minister of Community and Social Services. It has to do with the number of people who are moving into the greater Toronto area, outside of Metropolitan Toronto, into Peel, York, Durham and Halton from Toronto. In fact, there is such a large number of new people moving into the communities with families, who are coming from the Toronto area and Metropolitan Toronto, that we can expect to see the population double in these areas by the year 2011.

It is placing a tremendous amount of pressure on the regions to maintain the level of services in both social and community levels for all these communities. There are two standards developing—one, a standard of services that are provided in Metro and then, another for those who live outside of Metro, who are not able to get those services.

What commitment is the minister prepared to make to treat non-Metro residents in the greater Toronto area the same as the Metro residents?

**Hon Mr Beer:** The honourable member has underlined a particular problem that all of us who live in those areas outside of Metropolitan Toronto are aware of, which is, with the rapid growth, as he puts it, the pressure on existing social services is extreme. Through my own ministry, we are trying to address in particular, specific problems around various agencies where

clearly the demands on their work are being caused by that rapid growth.

I think that, both in terms of our health services and our social services, this is an area where we have to find mechanisms, and some already exist in terms of the kind of reviews we do of budgets. Indeed, in many cases, with organizations in those outlying regions, we have been reviewing and having to provide additional funding at the end of the year, to the point that what we have done in our own ministry is to say that we have to review the way that funding is done with those agencies so that we can try to put them on a firmer footing, and that we are continuing to do.

**Mr Cousens:** The challenge is a big one, I know, and I appreciate the minister is trying to put the money where it should be. It is a major, major problem when, in fact, we have a family that recently moved into south York region with a young child, three years of age, who was in a program in Scarborough and then moved into York region, thinking there would not be a Berlin Wall that separated Metro from York region. The child is not able to be accepted into any program. In fact, in the letter that I received back from the minister not too long ago, he says—it is almost as if we have got to accept it: "Sufficient resources are not available at this time for an expansion of the children and infants development services program, and we cannot commit a specific time frame when additional funds will be available."

This is a three-year-old child who had services in Scarborough who now lives in my area and if that child does not receive those services in the very near future, he or she will not have a fair chance when he or she starts into school. I would therefore ask the minister, when will he service the needs of this particular child whom I wrote to him about back in September?

**Hon Mr Beer:** I am aware of the particular situation the honourable member has brought before the House, and this is one of the very difficult areas in terms of the service levels in the different areas. What we attempt to do and will continue to attempt to do in this case as in others is through the offices of my ministry to work closely with the families to find an appropriate placement or the kind of support that will help that family. One of the real difficulties right now is that the level of services that traditionally and historically has been provided in some communities is not always immediately there in new and expanding communities, but I can certainly give the commitment to the honourable member that we are going to continue to work with that family and with some others in similar kinds of



situations to try to see if we cannot alleviate that problem as quickly as possible.

#### FAMILY VIOLENCE

**Miss Roberts:** My question also is for the Minister of Community and Social Services. This month is Wife Assault Prevention Month, and the ministry has some indication and some interest in that particular issue. Can he tell this House what initiatives his ministry has taken or will be taking to stem the incidence of family violence that is going on in Ontario?

**Hon Mr Beer:** As the honourable member knows, yesterday my colleague, the Minister without Portfolio responsible for women's issues (Mrs Wilson), made a statement in the House with respect to the month of November and with respect to some of the initiatives that the government is taking. In responding to my colleague, I would like to note two major areas where I think in this past year the government has put forward proposals to have a specific impact on this issue.

One, and it was noted yesterday by our colleague, was the provision of some \$5.4 million in funding that was announced by the previous minister. Of this, \$2.7 million is going toward shelter support, \$2.1 million for community counselling and the rest for child support workers. In addition, my predecessor as Minister of Community and Social Services announced some salaries initiatives in the spring. Those funds, part of which will be going as well to those working in the family shelters, will be announced very shortly.

I think between the two of those and the \$5 million—that is retroactive to the beginning of the fiscal year; the salary dollars are retroactive to 1 September—we believe that those will have a real impact in helping those working with issues of wife assault and family violence.

**Miss Roberts:** I thank the minister. I appreciate his answer, but can he assure this House that the money that has been announced will soon be allocated, and as quickly as possible?

**Hon Mr Beer:** Yes, I know that a number of people who are active in this area have been concerned to ensure that those funds flow as quickly as possible, and I am pleased to say to the House that will be happening very shortly.

#### CASE OF ANTONIO PRETE

**Mr B. Rae:** A question for the Attorney General, just to keep him here a little longer. The Attorney General and I have exchanged many letters involving the case of a man who was, at

one time, a constituent of mine, Mr Prete. Mr Prete, as I am sure the Attorney General will remember, was charged with first degree murder. He was released after the preliminary inquiry. Charges were dismissed. The Attorney General himself at that point then issued yet another charge against him on the same facts, and he was ultimately acquitted.

Mr Prete spent over two years in prison and was found not guilty, not once but twice. It is my understanding that he has now sued the government of Ontario. Can the Attorney General tell us if the government of Ontario is going to actively contest that claim, or is it going to make an attempt to settle with Mr Prete?

1540

**Hon Mr Scott:** The gentleman to whom the leader refers has, in fact, sued not only the government of Ontario but the Attorney General and the crown prosecutors in this case, and the allegation, as the leader will understand in the state of the law, is that a malicious determination to convict him was evidenced in the proceedings. The government intends to defend the proceeding.

**Mr B. Rae:** I wonder if the Attorney General, again, would not consider the possibility of attempting to find a way of compensating Mr Prete for the extraordinary amount of time that he spent in jail. I visited him in the Toronto Jail a few years ago. I could tell the Attorney General that Mr Prete's life has been utterly devastated by this series of events. He feels a very profound sense in himself of injustice. He is convinced that he is entitled to compensation. It is very hard for me to say why somebody who has been in jail for so long and acquitted twice should not receive some compensation from the government.

I wonder if the Attorney General, and I know that there are many technical legal questions involved here, would not see his way clear to try to find some way of compensating Mr Prete.

**Hon Mr Scott:** As perhaps the honourable member knows, the attorneys general of the country have agreed on guidelines for compensation in appropriate cases. One of the conditions of those guidelines is that it be demonstrated that there was no case made out that pointed to the guilt of the accused.

In this particular case at the conclusion of the crown's case there was a motion of the type the honourable member would understand asserting that there was no case to go to the jury. The trial judge, a very experienced trial judge, concluded that it was open to the jury to find the accused guilty. The jury, of course, had the discretion to

find him guilty or not. The jury found him not guilty, but the criteria that program referred to were not met in this case.

**Mr B. Rae:** What about the preliminary?

#### INMATE TRANSFERS

**Mr Cureatz:** I have a question to the Minister of Correctional Services. I wonder if he might be helpful to us to explain the transportation policy involving inmates among various correctional institutions. It is my understanding, for instance, there has been an inmate who was detained in the Metropolitan Toronto West Detention Centre, was to be transferred to the Ontario Correctional Institute for treatment, but through the various transportation in-house systems has wound up in Lindsay and does not know when he will be leaving Lindsay. For that matter, his immediate family is concerned; they cannot visit him up in Lindsay.

**Hon Mr Patten:** I appreciate the question being asked by the member for Durham East. I also appreciate the fact that the member did give me a little bit of notice for the question, and that is a very helpful thing to do, of course.

In this particular instance I would have to ask my ministry officials what went wrong, whether the driver did not know the route to the institution, or whether, indeed, there was the wrong institution on the order for the driver. It is very specific the question the member asks me, and I will check into it if the member could give me the name, the day and the time, I would be happy to do that.

Generally in terms of transfer policy, what I can tell the member is that we try not to transfer people late at night if we can avoid that, that it is done during the daylight hours; that transfers are performed for a variety of reasons after admission. There is an assessment process that takes place. As a result of the assessment process it may, in fact, be determined that someone is not in the appropriate institution for the program that would be required to be of help for the rehabilitation of a particular inmate and that is often a very good reason for the kinds of transfers that take place.

**Mr Cureatz:** In the most restrained manner that I can: would the minister indicate then is there an overall policy after the assessment has taken place to transfer inmates at random on the basis of facilities that are available, be it, namely I suppose, beds and rooms that are available? Are they told, or is anybody else told, or the immediate family told, or any consideration taken in this regard?

**Hon Mr Patten:** Of the issues that the member has identified, it is my understanding that indeed families are notified if an inmate is to be transferred. I am not aware as to whether or not, in this particular instance, this was done. However, the lawyer, the counsel for the particular inmate is obviously in a situation where it is a remand situation. We take into consideration whether there is a trial date, the location and accessibility to the family so that, for example, someone from the Toronto area who is in a remand situation, is not sent, because of pressures in our institutions, to a place further than, say within an hour or an hour and a half of the Metro Toronto area.

#### CONSUMER PROTECTION

**Ms Poole:** My question is for the Minister of the Environment. Several weeks ago, I asked a question in the House of the Minister of Consumer and Commercial Relations (Mr Sorbara) concerning environmental protection legislation. It was concerning the use of the word "green" and the words "environmentally friendly products."

I am very delighted to see that businesses have gotten on the bandwagon and are concerned about the environment, but I am concerned that those words will be exploited. Would the minister please tell me whether the Ministry of the Environment is concerned about the use of these words or whether he plans to bring in regulations to regulate them?

**Hon Mr Bradley:** It is an excellent question. I was just this very moment discussing this matter with the Minister of Consumer and Commercial Relations who I know has a great concern about this, but I do want to say that the question the member has put forward is one that is being asked throughout the environmental community and throughout the country.

One of the problems is that while we are pleased, I think as governments, federal, provincial and local governments, to see people coming forward with products which are better for the environment than some of the alternatives that are there, we are concerned that there those who might use the term "environmentally friendly" or "green products" and not really be providing those kinds of products.

At the national meeting of the environment ministers of Canada, held in Prince Edward Island, there was quite an extensive discussion of many matters related to this and I know the officials of the Ministry of the Environment of



Ontario and other ministries have been discussing with federal officials with a view to—

**The Speaker:** Thank you.

**Ms Poole:** I certainly appreciate hearing that the provincial ministers have been consulting with the federal officials on this. I was wondering if the minister could confirm whether this would be an Ontario jurisdiction to look at the regulations surrounding the use of the words “green” and “environmentally friendly.” If it is not strictly in the provincial jurisdiction, would the minister be willing to discuss this further with the federal government in the hope that it would bring in the corresponding legislation?

**Hon Mr Bradley:** I think that is a reasonable suggestion in that we have a situation where we have interprovincial trade. Obviously, there are areas where provinces have pre-eminence in terms of legislation and regulations. However, when we are dealing with products that are sold across the country, indeed exported to other places, I think it is superior to have some continuity across the country.

The best way for that is to have the necessary federal regulation or federal legislation or federal protocol which is available to determine what would be most appropriate in terms of judging whether something is genuinely environmentally friendly or genuinely green. That is a really difficult problem and it is thin ice for governments to get on, the endorsement of products saying they are green, because there are other people who may contest that and say, indeed, that they are not as environmentally friendly as the people contending that. So the member can be assured of further discussions between the federal and provincial governments on this matter.

1550

## PETITIONS

### ANIMALS FOR RESEARCH

**Mr Wildman:** I have a petition which is signed by 37,000 residents of Ontario.

**The Speaker:** Are you sure? Have you counted them?

**Mr Wildman:** Approximately, and that brings the total in support of this petition to approximately 71,000 when it is added to the ones I have submitted previously.

It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and states:

“We, the undersigned, beg leave to petition the Parliament of Ontario to pass into law a bill

prohibiting the use of animals in cosmetic and product testing.”

I support this petition, which is in support of my Bill 190, and I hope the members of the standing committee on resources development take the number who have signed this into account in determining their agenda.

## TRANSMISSION LINES

**Mr D. W. Smith:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, signed by approximately 543 people from the communities of Alvington, Inwood and Bridgen, which are in the riding of Lambton.

They are expressing their concern about the rerouting of the current high-voltage lines that are going to go across Lambton county to the hydro plant there on the river. They feel strongly that the government should force Ontario Hydro to bypass these communities in its routing.

I have signed my name to the petition.

## ORDERS OF THE DAY

House in committee of the whole.

### COURTS OF JUSTICE AMENDMENT ACT, 1989 (continued)

Consideration of Bill 2, An Act to amend the Courts of Justice Act, 1984.

**The First Deputy Chair:** When we were finishing with this bill, I think we were at a point where the member for Carleton (Mr Sterling) had a further amendment.

Mr Sterling had moved that section 32b of the bill be amended by adding the following section:

“32b(1) Despite this act, the Small Claims Court shall be continued as it was constituted immediately before section 2 of this act is proclaimed and shall have all of the powers and duties that were assigned to it at that time.

“(2) Despite this act, the rules committee of the provincial court (civil division) shall be continued as the rules committee of the Small Claims Court as it was constituted immediately before section 2 of this act is proclaimed and shall have all of the powers and duties that were assigned to it at that time.

“(3) The Small Claims Court,

“(a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed the greater of \$3,000 or the prescribed amount exclusive of interest and costs; and

"(b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed the greater of \$3,000 or the prescribed amount.

"(4) Subsections (1), (2) and (3) are repealed 730 days after section 2 comes into force."

Any opening comments?

**Mr Sterling:** Yes. This section is put in place in order to give an opportunity to the government to test the constitutional validity of the proposal of raising the provincial court judges (civil division) to the higher level of becoming judges of the General Division and the right of the provincial government to appoint those judges to that position.

There have been a significant number of learned people who have been concerned about the constitutionality of the bill. Basically what this bill does is it postpones the implementation of that particular elevation of the Small Claims Court into the General Division for a period of two years. It also raises the jurisdiction of the court to \$3,000 across the province.

**The First Deputy Chair:** Any comments or response from the parliamentary assistant?

**Mr Polsinelli:** At the last sitting of the committee of the whole House, we commenced the discussion on the constitutional questions that had been raised with respect to the Small Claims Court amendment. At that point I indicated that certain concerns had been expressed with respect to the constitutionality of Small Claims Court judges sitting as members of the General Division.

I also indicated at that time that sections 21 and 23 of the bill had been amended at committee to reflect that concern so that the existing provincial appointees who presently sit as members of the Small Claims Court will not be sitting as members of the General Division, but rather the act allows them to sit in the General Division in order to hear particular types of cases. That would be these types of cases that presently fall under the jurisdiction of the Small Claims Court.

I advised the member for Carleton that our constitutional advisers, the provincial constitutional advisers and also the federal constitutional advisers, now feel that this amendment is sufficient to alleviate any concerns of the constitutionality of this particular provision. Accordingly, we cannot support the amendment.

**Mr Sterling:** The only thing that I wanted to point out was the timing of the concern of various members of the bench and the legal community as to the constitutionality of this section and the other sections that it relates to. It is important to

note that the bill was effectively amended on or about 1 August of this year. The objections to the constitutionality continued to be voiced after the bill had in fact been amended by the government.

While in fact the Attorney General (Mr Scott) may in some respects be satisfied in his own mind that there is no problem with the constitutionality, and perhaps the federal counterparts are satisfied as well, there have in fact been people who are very learned in the law who challenge that opinion. As the parliamentary assistant knows, in law there can be varying opinions on it.

## 1600

The purpose of the amendment that I present at this time to him is to make certain that the Small Claims Court will not grind to a halt because of a constitutional challenge. If that in fact happens, if there is a constitutional challenge, and it is almost guaranteed to happen because of the support that there is a problem with the constitutionality, what we would urge the government to do is act in a responsible manner, accept this amendment, refer it to the courts and, if it is right, it is going to get a court ruling that is there.

Then, during that two-year period, the Small Claims Court can carry on as it has in the past, and the minister can have his cake and eat it too. He can have his elevation into the General Division, as per his amendments to his bill, but he will have the matter decided by the court. If the court should decide, as some judges and lawyers have argued, that in fact even with the amendments placed in the bill on or about 1 August, there is a constitutional problem, then the Attorney General can come back to the Legislature and make whatever amendments are necessary to meet that constitutional ruling. That is why the amendment is put forward.

**Mr Polsinelli:** The member for Carleton will know, as a lawyer, that one of the things that they teach you in law school is to never accept one argument as being 100 per cent correct. One of the struggles that lawyers constantly undergo is to look at the other side of the coin, look at the other argument. It seems to me that lawyers looking at any issue, no matter how convinced they are, can always pose a counterargument. As a matter of fact, that is one of the things that they are trained to do.

In dealing with legislation, the government must rely on the best advice that it can receive. I say again that our constitutional advisers in the province and the constitutional advisers for the federal government indicate that in fact there is



no issue left here and that there is no question of the constitutionality of this section. As a matter of fact, one can parallel this section to the situation that presently exists with masters sitting in the Supreme Court, hearing certain cases, though they are not members of that court. It is almost a parallel type of situation and that clearly is not an unconstitutional situation.

I must say again that we cannot support the member's amendment. We feel that at this time it is proper and constitutional.

**The First Deputy Chair:** All those in favour of Mr Sterling's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The First Deputy Chair:** Mr Sterling moves that the bill be amended by adding the following section:

"32c(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such masters and commissioners of the Ontario Court (General Division) as are considered necessary.

"(2) Subsection (1) is repealed 730 days after section 2 comes into force."

**Mr Sterling:** This section is put into the bill because basically Bills 2 and 3 do away with positions of masters and commissioners of the court. At the present time, there are masters in several parts of Ontario, not all across Ontario, but masters of the court deal with what I would describe as the minor parts of the litigation process. If someone in Ottawa, for instance, has a complaint about his solicitor's bill or his lawyer's bill, he can take it to the master and have that bill passed. The advantage of meeting the master in his chambers, which does not have the same aura as a courtroom, is that the master deals with the person who is complaining, for instance, about what a solicitor has charged him and does it in a much less formal setting and is often assisted by the master in carrying it forward.

Now the argument that might be put forward by the government would be that with this new reorganization judges will be able to handle this particular function. We are not convinced that in the time when the changeover is occurring with regard to this change in our courts—which is a substantial change and that is why, in general, we have been supportive of it—that the work of the masters will be adequately taken up by other appointed officials of the court, and I am talking about judges of the court.

That is why I have put forward this amendment in the hopes that the masters would continue on for a period of two years after the bill kicks into effect and, therefore, ensure that the access to the judicial system that is now presently enjoyed by using masters and commissioners will be continued over the two-year period while the implementation is taking place.

**Mr Polsinelli:** It is the intention of the bill and the government's intention to phase out masters under this legislation. We intend to do that by the process of attrition. We do not intend, once the bill receives royal proclamation, to immediately get rid of them all. As a matter of fact, we are going to let them proceed to do the work that they have been doing in the past in the future. But it is clearly our intention not to appoint any more masters.

The situation as it exists today is that there are 12 masters in Toronto, one in London, one in Windsor and one in Ottawa. Outside of those areas, the work that the masters do is done either by the district court judges or the court registrars. In terms of the assessment of costs right now, that is, the individual who objects to a lawyer's bill, as the lawyer's bill is controlled by the courts, that control mechanism is presently exercised by masters where there are masters or court registrars if there are no masters available. It is our intention that that will be substituted by specially trained court officials to handle that function outside of the area where masters are not available.

We feel that this amendment is not necessary, that the government's proposed intention is quite simply to let the masters do their work, and as the process of attrition takes place, they will slowly be phased out of the process. It may be that two years down the line, the member has sort of a self-destruct in his motion. It may be that two years down the line, all of the existing masters we have today may still be there. Accordingly, we feel that our process is an appropriate one and we will not be supporting his amendment on this.

**Mr Sterling:** My concern here is that places like London, Windsor and Ottawa have relied on the master in order to get quick remedies to what I have called minor litigation matters. With only one master in each of London, Windsor and Ottawa, I ask the parliamentary assistant this question: If one of those masters should quit, resign or no longer serve in that position for whatever reason, what is the plan of the Attorney General to fill that position?

**Mr Polsinelli:** The ministry's estimates are that the process of attrition will take somewhere in the neighbourhood of 10 to 15 years before the masters are completely phased out. In the situation of London, Windsor and Ottawa where they have one master, if one of those masters were to resign, it is quite simply the responsibility of the local judges to determine which of them will do the work, or if at that time in terms of the assessment of cost there is a specially appointed official to do the assessment of cost, that official would do the assessment of cost.

It is our intention to phase out masters through an attrition mechanism. It is our estimate that it will take about 10 to 15 years for that process to be completed and we do not think that the motion proposed by the member for Carleton is appropriate at this time.

**Mr Sterling:** I want to put this motion in the context of what it really does. The motion to include the section gives the government the flexibility to appoint another master. What they are saying today is that they are going to cut themselves off from the flexibility to do that in the future. I do not understand why they would not want to have that flexibility for at least a two-year period in order to maintain or protect, in particular, the areas outside of Toronto, to have a service that has been very valuable to the people of the area. I think they are putting unnecessary risk in it by not accepting it. I only make that point. It is permissive. It is not mandatory for the government to appoint the masters.

**Mr Polsinelli:** As a final comment, I point out that in most other provinces the work that is undertaken by masters in the province of Ontario is done by federally appointed judges. It is our intention to standardize that practice as it is presently occurring in most of the other province.

On a sort of similar, related note we have 49 counties in Ontario. Out of those 49 counties, only four have masters. We feel that in a certain sense it almost behooves us to make the judicial system and the judicial process as equal as we can throughout the province and this is one way of achieving that.

**Mr Sterling:** I say facetiously that we only have one county of all of the counties in Ontario that has a \$3,000 limit on the small claims court, so I find the argument a little specious that he is worried that only four counties have masters. Notwithstanding that, I only say to the parliamentary assistant, God forbid if something happened to any one of those three masters in those other cities and he was caught in a position

where he could not appoint somebody else even for a short period of time.

**The First Deputy Chair:** The House appears to be ready for this question. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Sections 33 and 34 agreed to.

Bill, as amended, ordered to be reported.

#### COURT REFORM STATUTE LAW AMENDMENT ACT, 1989

Consideration of Bill 3, An Act to amend certain Statutes of Ontario Consequent upon Amendments to the Courts of Justice Act, 1984.

**The First Deputy Chair:** The chair has been forewarned that we have one amendment that is being proposed. Are there further amendments that members have to this bill? If there are, would you give me an indication of that now. I have an indication of an amendment to section 6 of the bill. Are there any others?

Sections 1 to 5, inclusive, agreed to.

Section 6:

**The First Deputy Chair:** Mr Sterling moves that section 6 of the bill be amended by striking out "Judge" in the last line and inserting in lieu thereof "Justice."

**Mr Sterling:** As members know, Bill 3 is to be passed in conjunction with Bill 2, and therefore in changing the name that certain judges are called by in Bill 2 it is only appropriate that we do the companion change in this bill. That is basically what this amendment does.

**Mr Polsinelli:** I agree with the member for Carleton. This amendment is consequent on our accepting his amendments to Bill 2. Accordingly, we will support this amendment.

Motion agreed to.

Section 6, as amended, agreed to.

**The First Deputy Chair:** There being no further amendments to any other section of the bill, shall sections 7 through 54 be carried?

Sections 7 through 54, inclusive, agreed to.

**Mr Kormos:** I want to make some inquiries about section 34, in particular subsection 34(4). I am talking about what will be, if this passes, section 90a of the Provincial Offences Act. One is purporting to create codified contempt sections. I wonder if at this point we could get some rationale, if there is one.



**The First Deputy Chair:** Could I just stop you there. Is it your intention to move any amendments to that section?

**Mr Kormos:** No, Mr Chairman.

**The First Deputy Chair:** With the consensus of the members present, it would be possible to carry on such a discussion as that under section 55, which is the short title section. If that is agreeable, we can proceed. We have just carried the bulk of the bill and we can entertain this discussion with that. Is that agreeable?

**Mr Polsinelli:** Might I suggest that if the member for Welland-Thorold is not prepared to move any amendments, I must quite frankly say that this is a bill that is consequent on the passage of Bill 2. If he is prepared to do so, we have Mr Perkins from the Ministry of the Attorney General who could take as much time as he wants outside the proceedings of the House and answer as many questions as he wants with respect to this section. It is up to the member whether he is prepared to do that.

**The First Deputy Chair:** Just to assist, you would put me in an awkward position if you do that. A member has sought to ask some questions on a couple of sections that we just carried. We are in committee. It would be reasonable and appropriate to dispense with that vote and to refer it to the two sections to allow him to ask his questions. I sought leave of the House to do it in a slightly different way. I may be wrong here. I did not perceive that the member wanted to go on at great length, but that he had a couple of questions he wanted to ask. He could certainly do that under a general section such as the short title, and the House seemed to agree to that.

**Mr Polsinelli:** I want to point out that I am not disagreeing with the process. All I am indicating is an alternative process if the member were amenable to it, where we could sit down at an informal session with Mr Perkins from the ministry and we could perhaps have his questions answered in a fuller fashion. It was not in any way critical of the process that was being undertaken here today.

**The First Deputy Chair:** That is fine. It is just that sometimes members want to have quiet chats with ministry staff and sometimes they like to do it in here where they keep a record of it all. The choice is up to the member.

1620

**Mr Kormos:** If I can, Mr Chairman, I should explain. Quite frankly, subsection 34(4) of the bill, which will be section 90a of the Provincial Offences Act, stands out as being really quite

unique because it is not something that is consequential to the passage of Bill 2. It is something quite special, quite independent of the whole theme of Bill 2, and it is really quite novel which is why it attracted my attention. Provisions creating powers of contempt citation attract my attention for a number of reasons, but this one certainly did—

**Mr Sterling:** Why?

**Mr Kormos:** Let me put it this way: I think I have read as much case law on contempt of court as anybody in this chamber ever has, which is why I find this amendment to the Provincial Offences Act particularly interesting. It is for that reason that I think it has to be discussed. I have some very specific questions about it that may be clarified when the parliamentary assistant to the Attorney General, who is here in the absence of the Attorney General, tries to rationalize this new section 90a of the Provincial Offences Act, especially in view of how it conflicts with what the Court of Appeal has told people in the province and in view of what the common law and other codified sections do with respect to contempt of court.

This particular section affects every single member of every community across Ontario; let's not make any mistake about it. That is why I brought it up and why I want to do it, as you pointed out quite rightly, Mr Chairman, in this forum. This is the place to do it, not behind closed doors, not in secret, but right here.

**The First Deputy Chair:** Are there Any other comments?

**Mr Sterling:** I am not sure. Was the member going to be asking some questions of—

**The First Deputy Chair:** Yes, you could assist the Chair just slightly. I took it that you wanted to make a short intervention. Is that as short as it is going to be?

**Mr Kormos:** No, that was the preliminary. You said we were going to get around to that when we were talking about section 55.

**The First Deputy Chair:** Yes.

**Mr Kormos:** All right. I will wait patiently. We really do not have that much time. We have only an hour and a half, give or take a few minutes. It could not be long even if I tried, because we have no more than an hour and a half this afternoon in any event.

**The First Deputy Chair:** I do not know how many times I have heard that song. Are there other members who would like to get in a prelude to section 55?

**Mr Philip:** What about a prologue?

**The First Deputy Chair:** That is later.

**Mr Sterling:** My remarks are going to be more appropriately placed after we deal with any matters dealing with the substance of the bill. I want to talk a little about the process in wrapping up.

**The First Deputy Chair:** I think we can go to the main theme of your song. Proceed.

Section 55:

**Mr Kormos:** I am still waiting for the parliamentary assistant to indicate how subsection 34(4) fits into the theme of Bill 3. It certainly is not any cleanup, any housekeeping that is required as a result of Bill 2. It is something brand new. It is a completely new section codifying contempt powers on the part of justices of the peace in provincial offences court. I wonder if he could, especially in view of what he said earlier when he tried to suggest that this was not the time or place because these were merely—

**Mr Polsinelli:** No, no.

**Mr Kormos:** I am sorry. He tried to suggest that I might prefer to deal with it in another fashion. He also tried to suggest that after all, this section was only like all the others, that it was just sort of a cleanup, that it was making a square peg fit into a round hole, when in fact this is not.

I wonder if he can explain what this subsection 34(4) is doing in Bill 3, because it is sneaking in; it is hidden away in there. It is getting it in the back door when he knows he could not get it in the front door. It is just, "Whoops, let's slide this one through while we are doing all these other little changes to make various statutes comply with the requirements that will be created by Bill 2." This does not do that. This is something totally separate and apart from the whole theme of Bill 2, or certainly the theme of Bill 3.

One, I am asking, why is it there? Two, can he give us some rationalization for it? Why is it worded in the way it is worded, especially after what he knows the Court of Appeal has told the people of Ontario about the courts' powers to cite for contempt and about the process to be incorporated? Among others, it was Mr Justice Goodman on the Ontario Court of Appeal who wrote about some very specific procedures that had to be followed, and I just cannot believe subsection 34(4) in view of that history. I wonder if you could respond to those two issues initially.

**The First Deputy Chair:** He has trolled it by you twice this afternoon. Are you able to rise to the occasion now?

**Mr Polsinelli:** My suggestion that this be done with staff from the Ministry of the Attorney General was not a suggestion that this was an inappropriate forum to do it in, but rather I thought that if the member for Welland-Thorold wanted some substantive answers, Mr Perkins from the ministry was probably a more appropriate individual to give them.

What I can do is give a general response to indicate that what this does is codify the contempt provisions in terms of the Provincial Offences Act. We believe that it is an improvement and that it gives the justices of the peace the power to regulate the process of contempt. Some procedural safeguards are contained in subsections 2 and 3 of this section.

Quite frankly, I say again that if the member wants to undertake a detailed discussion as to the technical provisions and the relationship between the Court of Appeal's decision on contempt and this particular section, he may find it more informative to speak to ministry officials, who I am sure have a wealth of knowledge on this subject.

**Mr Kormos:** That is the whole problem here. I will tell the member what my impression is. If I am incorrect in my interpretation of this subsection 34(4), it is really a horrendously dangerous bit of legislation. As I say, it seems to fly in the face of the course the courts have taken with respect to contempt proceedings.

Let's take a careful look at it. Let's face it, why should any member of this Legislature be satisfied to approve or pass anything if he or she does not understand it? It is fine if he or she does not understand it, but at the very least then he or she should be able to expect an explanation from the person proposing it. We are talking about contempt in the face of the court, because it talks about committing contempt in the face of a justice of the peace presiding over an Ontario Court (Provincial Division) and "in a proceeding under this Act is on conviction liable to a fine of not more than \$1,000 or to imprisonment." We are talking about the power to imprison. We are talking about a penalty here. The existence of a penalty implies an offence. What this seems to do is to give the very same justice of the peace before whom the contempt is alleged to have been committed, the power to then find in contempt and impose the penalty—not just monetary penalties but sending people to jail—and to do that without process issuing.

That is exactly, as I understand recent rulings, contrary to what courts have said should be done. Courts have said that as a result, among other



things, of the charter and the rights that it gives individuals—surely those same individuals are the ones who appear before justices of the peace—there should be a process issued.

What this section smacks of is an entire absence of due process for the person deemed to be in contempt by the presiding justice of the peace, especially in subsection 90a(6). The parliamentary assistant should take a look at subsection 6 and see some of the really offensive parts of this section. It talks about a justice of the peace having power to “order the offender arrested and detained in the courtroom for the purpose of the hearing and determination.”

What happened to right to counsel? My goodness. The justice of the peace pursuant to your legislation proceeds to embark on this incredibly strict process and to order the purported contemptuous person, him or her, arrested and held in court. How is that person going to exercise right to counsel?

**1630**

Surely, there has to be due process here. Surely, this government of all governments, in view of what it calls itself—never mind what people across Ontario are calling it—would want for there to be a guarantee that if there is an allegation of contempt, the basic principle of fairness be applicable to that allegation, along with any other, that a person who is alleged to have been in contempt be entitled to an impartial tribunal.

There is not a single person around who would dare suggest that the very person before whom the contempt is alleged to have been committed, the person who is alleging the contempt, the justice of the peace, can act impartially. How can it be perceived as an impartial tribunal when it is that very same person who says: “I challenge you for what you have done or said, and now we are going to proceed to have a hearing on whether you were in contempt. I am going to impose a penalty and, to boot, I, the justice of the peace, can order you arrested and detained during the course of that hearing.” We have some poor soul quaking in his boots saying, “My goodness, what have I done and how do I work my way out of this situation?”

Surely to goodness nobody is going to accuse me of letting my imagination run rampant in that regard, because if they do, we only have to come up with some newspaper clippings of some recent events right here in the city of Toronto—never mind justices of the peace—in provincial court, criminal division, scenarios that acquired some great notoriety and carried with them some

grave consequences for some of the players wherein people’s rights, people’s freedoms were, it seems to those of us reading the reports, arbitrarily interfered with without there being any semblance of due process or fairness or independent tribunal.

Let us look at subsection 7 of what is going to be section 98 and look what they are doing here. They are permitting that a court may order that a person appearing as agent is barred from acting as agent in the proceeding in addition to any other punishment to which he or she is liable. Holy cow, they do not do that to a barrister or solicitor, yet they would purport to do that to an agent.

When we are talking about agents, we are not just talking about paid paralegals, the POINTTS types, some of whom are very competent. We are talking about well-meaning, fair-minded people who want to ensure that there is some semblance of justice in a particular proceeding. We are talking about a University of Toronto mathematics professor who may take it upon himself or permit himself to be called upon to assist poor persons who are feeling the full force of the law.

**Mr Philip:** You could be talking about an MPP.

**Mr Kormos:** As my friend the member for Etobicoke-Rexdale points out, we may be talking about a member of the provincial Parliament who recognizes the injustice of the police laying a Highway Traffic Act charge against a passing driver who honks his or her car horn as a gesture of support for the Temagami protesters picketing in front of Queen’s Park.

So we are talking again about really incredible penalties. It is easy enough to say, “Okay, take a look at what will be subsection 8 and there are appeal provisions.” Big deal. That is shutting the barn door after the horse has bolted. Appeal provisions look fine on paper but they are not that readily accessible. They can often times be expensive and, indeed, they add to the consequences and the unnecessary consequences that are imposed on individual persons.

I am not suggesting in any way, shape or form that a court should not have the power to maintain order in that courtroom. That is so important. That is essential to the function of that court. But all too often we have seen occasions where a court, not motivated by ill will or malice but—let’s face it, one of the things we have come to realize, as surely the parliamentary assistant has come to realize, is that courts, provincial judges, indeed even justices of the peace are overworked in this province. They are carrying dockets, case loads, that are just incredible. We

have heard examples—and so has the parliamentary assistant—of provincial judges having docketed for them things like 18 hours of case load in an eight-hour workday. We have seen examples of judges who have been very candid about reaching perhaps their stress point and reacting in a manner which they regret and in a manner in which they have candidly acknowledged, were it a better scenario, they would not necessarily have reacted.

I am not suggesting there should not be power in a court, be it presided over by a judge or one of the new secularized judges under the court reform legislation, or a justice of the peace; that those persons presiding over courtrooms should not have the power to maintain order in the courtroom. But we are talking about penal consequences; we are talking about the prospect of sending people to jail, surely we want to move beyond the stage or the air of—I was thinking of the Inquisition, but we know some of those experiences have been shared time and time again by different people in different communities in some societies in days not long gone by.

I ask the parliamentary assistant: What is the rationale for this legislation? How does this fit into the scheme of Bill 3? How does it fit into the direction provided by the Court of Appeal? How does it comply with the requirement of due process suggested by the Charter of Rights and Freedoms?

Especially lacking, I guess, is due process. Mr Chairman, you know. You are reading this right now and you are thinking it is incredible that a Parliament in 1989 could even consider passing this type of legislation that denies people the right to counsel, because it gives power to a justice of the peace to arrest and detain somebody in a courtroom for the purpose of the hearing of a contempt. I do not believe that.

I do not expect to find strong civil libertarians over there on the government side, but I know, for instance, that the member for Yorkview (Mr Polsinelli) got his law degree in this century. I know that for a fact.

Interjection.

**Mr Kormos:** I know he has a degree. I am not sure from which school.

Interjection.

**Mr Kormos:** All right. He got it from a fine school. I cannot be accountable for what courses he chose to take. If he did not take any of the right courses, I cannot be accountable for that.

I do not know how he can justify this legislation. It is not just good enough for me to have it explained to me. Trust me, Mr Chairman.

I talked about my caution bank the other day; how much caution I had left. When it comes down to contempt, I will get myself into a position where I am overdrawn, if need be.

The fact is, we are not talking about barristers and solicitors here, we are talking about lay people. We are talking about participants in litigation who may, only in the mind of that particular justice of the peace, be contemptuous.

I cannot help relate this, but it brings to mind the comments of the actress Mae West when she was being tried back in the 1920s in New York City for one of her stage performances. Her conduct prompted the judge to say, "Miss West, are you trying to show your contempt for this court?" and she replied, "Your Honour, I am trying not to show my contempt for this court."

It remains that matters of contempt sometimes are so apparent and so patent that anybody would regard them as such. At other times it is in the eyes of the beholder and what it cries out for is an independent tribunal.

#### 1640

We all know—at least those of us who have been involved in litigation, either as counsel or as participants in civil litigation or criminal litigation, witnesses, the accused, what have you—that those are intense, often times highly emotional, tiring, exhausting situations; all the more so when we do not have adequate courtroom facilities here in Ontario; all the more so when we see criminals being sent out on the street because they are able to avail themselves of charter remedies that preclude a trial, that say: "No, we have taken too long. The government hasn't provided enough courtrooms to permit this case to have been tried in the period of time that it should have been tried, so you folks get to go back out on the street and presumably carry on doing whatever it was you were doing that attracted the attention of the police in the first instance."

Those are stressful situations for people involved in the litigation process. They are stressful situations when courtroom security is nonexistent and when we know that the manner in which the government tries to address that is going to be so thoroughly unsuccessful and going to do nothing more but burden municipalities with further costs, and in fact not provide one bit more of security than exists now.

We listened to judges; we listened to participants in the process. We know it is nonexistent because we know that courtroom security is not just a matter of police officers in the courtroom. We know that courtroom security is, among



other things, a matter of courtroom design. We talked about jail overcrowding. It is a matter of whether or not the courtroom can comfortably accommodate the people who are expected to use it.

I am mentioning those things because I am envisioning a plethora of scenarios in which people could find themselves victimized by what is going to be section 98 of the Provincial Offences Act by the legislation that the government is proposing. When I go on to reflect—I know the members will share these feelings with me—on who does the representation, who acts for defendants in provincial offences court, as often as not it is not lawyers because the participants in these courts are people there for, let's say, highway traffic offences. There are people there charged with trespass to property charges. There are people charged with other provincial offences.

As often as not, they represent themselves, and to the great credit of the justices of the peace here in Ontario, the vast majority of them tend to run their courtrooms in such a way that the unrepresented litigant feels comfortable, is made to feel welcome, is made to feel that he or she does not have to go out and spend big money on a lawyer who probably will not do any better for them in any event, in view of the nature of the types of charges being tried.

So we have people tending to appear for themselves, people who are not buffered from the system by the presence of a paid counsel, of a gladiator, if you will. We have people appearing on their own but, once again, people appearing on their own, without legal training, who may find themselves caught up in the emotion of the proceedings, who may find themselves overly burdened with the stress and the anxiety that those proceedings create.

Once again, that is why section 7 is a really scary prospect, because it talks about the justice of the peace barring the agent from continuing to act as agent. As I say, that includes the amicus, the friend, the friend of the litigant, the friend of the defendant. I suppose, under the circumstances, as much a friend of the court because he or she is there trying to make the process a little bit easier for everyone and trying merely to ensure that justice is being done.

It also includes the paid agent, such as any number of private companies or individuals who have established their own firms doing agency work; people who are not members of the bar, but people who in many cases have good credentials, good backgrounds and are quite competent at

representing people in provincial offences court and doing so, hopefully, for a retainer or fee that is modest, that is one that most people can afford.

Here is incredible power on the part of a justice of the peace to order arrest and detention. Did the parliamentary assistant even think of the consequences that flow from that? We know what the charter provides arrested and/or detained persons in terms of rights, do we not? There is absolutely no consideration of that. Lord knows, it is difficult enough to call your lawyer from many police stations, from many holding cells. Here you have the power of a justice of the peace to order arrest and detention in the courtroom. Incredible.

The problem is that I am thinking along the lines of people having rights. I believe that people have rights. I see the rights as contained in the charter. The right to retain and instruct counsel without delay; I see that as pretty fundamental, do you not, Mr Chairman? Surely you do. We have to worry about what the parliamentary assistant has in mind. I keep having visions of the Inquisition. It is inescapable, but concepts like the Star Chamber come to me. Maybe the parliamentary assistant sees a role for himself in this new Star Chamber. Perhaps he would share that with us or perhaps he would rather wait until the chamber itself was instituted.

As I say, I take rights seriously. Lord knows, it is hard enough to get hold of a lawyer from a police holding cell, because you have a right to do so upon arrest or detention. Please help me, Mr Chairman. You have a copy of the bill; please help me if I am not reading it right. I cannot help but read this to say that a justice of the peace may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination. That is the way I read it and if I am wrong, somebody please stand up and say, "You're misreading that." I would love to be told I am misreading that, but I can look at it again and again and again and it comes out to the same thing.

This government is giving the power to a justice of the peace to arrest and detain people. Listen to this, listen to how incredible this is, think about it, look at the scenario. The justice of the peace is saying, "I don't like your conduct, so I think I'm going to find you in contempt." The person says, "The parliamentary assistant said that I get to have a hearing." This is like a good news/bad news joke. The justice of the peace says, "The good news is you are entitled to a hearing; the bad news is you are ordered arrested

and detained right here and now." What does the poor soul do at that point?

Quite frankly, if it is a lawyer to whom it is being done, most of the community would probably applaud the justice of the peace, but we are not talking about scenarios where it is going to be a lawyer who is subjected to this arrest and detention. It is going to be plain folk, it is going to be just plain, ordinary folk who are in court saying, "No, I wasn't speeding," or "No, I didn't go through the stop sign," or "No, I wasn't trespassing." Maybe it is going to be plain folk who say, "I was exercising my right to protest an unacceptable event by picketing along with unionized workers at an Eaton's mall." Those are the sort of people who end up in provincial offences court; we know that, do we not? People who try to exercise their right to participate in a lawful picket are the kind of people who get arrested at places like Eaton's. Maybe it is the sort of person who finds the presence of unsafe nuclear facilities so offensive that he wants to make a strong, clear statement by his presence. Maybe it is the sort of person who says no when the government persists in building its logging road; it is inviting the destruction of an irreplaceable natural resource, one that we should be treasuring and nurturing and one that, quite frankly, does not belong to us; it belongs to the aboriginal people who own it. Those are the sorts of people who are going to end up in provincial offences court: simple, ordinary folk who for any number of reasons find themselves involved in litigation that is in that particular status of court.

#### 1650

If this were merely a power to cite, so what? "Okay. You are in contempt. Thank you. Goodbye, Your Worship, Your Honour, what have you. We will let bygones be bygones." We are talking about people spending up to 30 days in jail. We are talking about people having not just fines imposed on them but a fine and imprisonment up to 30 days in jail. I thought we were headed in a direction where we recognized that if people are going to face custodial penalties, we had to go through certain procedures to guarantee that they were not unfairly, improperly, unjustly sitting behind bars.

This section 90a is everything but that. There are a few dictatorships down in South America that would be proud of this section. Somebody should fax this to General Pinochet this afternoon because General Pinochet would be proud to have that down there to take care of contemptuous little people who appear in the equivalent of provincial offences court. Then again, maybe he

faxed it up here and that is how the government got the format for this to include it in its Bill 3.

What is incredible is the title of Bill 3, *An Act to amend Certain Statutes of Ontario Consequent upon Amendments to the Courts of Justice Act*. Section 90 of the Provincial Offences Act has nothing whatsoever to do with the Courts of Justice Act. This horrid, fascistic little bit of power and denial of due process, denial of fundamental rights to accused persons has nothing to do with being consequential upon amendments to the Courts of Justice Act, presumably pursuant to section 2.

The more you think about it, the more it appears that the government is trying to sneak this through, that it buried this among all the little, minute and terribly tiring little amendments to the Woodmen's Lien Act, the Vital Statistics Act, the Territorial Division Act, the Sheriffs Act—the Sheriffs Act is not that inconsequential—the Cemeteries Act and so on. There is a whole pile of them there. There are 54 sections and change, and buried, hidden, undisclosed, in the midst of that is this little, neo-Nazi amendment to the—

**The Second Deputy Chair:** Order. I would like to interrupt to ask if you think you are not getting a little too repetitious. I have been listening very attentively, and for a new member you have become very adept at this, but I am getting a little concerned that maybe you are getting a little too repetitious.

**Mr Kormos:** Thank you, Mr Chairman. I am talking right now about this being hidden away, this being sneaked in, this being camouflaged. It is not Halloween any more. You cannot dress up as something you are not. So do not dress up subsection 34(4) as an act or an amendment consequent upon amendments to the Courts of Justice Act. That has nothing to do with it.

Mr Chairman, as the Second Deputy Chair of the Committee of the Whole House, surely you have some power to make sure that this kind of nefarious, surreptitious, clandestine horror show does not take place. Surely you can rule that section out of order basically because it does not belong in that bill. It is a horrid little section. It gives incredible powers to the justices of the peace. It bodes ill for any concept of civil liberties. It is dangerous. It flies in the face of what the case law, what appellate court judges in Ontario have been telling our provincial courts, our district courts and our High Courts about how to deal with common law contempt, and it denies even the rights accorded to an alleged offender under the Charter of Rights and Freedoms.



At that, what happens when I asked the parliamentary assistant to rationalize this for us, to explain to us how this could be here, to explain to us why it could be worded in the way it is worded, to explain to us why one of the powers is given for a justice to bar somebody from acting as an agent? Let's assume for a minute that the person was contemptuous. Let's assume, for instance, that the agent performed his or her particular contempt by not rising when the justice of the peace entered the courtroom. That may well be worthy of sanction. But does it go along with that, that it should similarly mean that person should be barred from representing the defendant in the particular action he was there to do? That is absurd, is it not? Either you are going allow agents or you are not.

I know there are lawyers around who would love to see these agents disappear because you have a few lawyers around—not a whole lot—who are hungry and they will basically do anything; they would be more than willing to appear in highway traffic court. Surely the government is not acquiescing to the wishes of those very few lawyers in trying to once again do what they cannot do directly indirectly; that is to say, stamp out paralegals.

There are a whole lot of people in the legal profession who have come to recognize that paralegals, agents, perform a very valuable function; one that should be encouraged, applauded and recognized because they are doing something that lawyers are not, quite frankly, prepared to do in most instances. Lawyers have no choice but to charge fees that would make them unavailable to litigants involved in provincial offences litigation.

What I am asking you to do, Mr Chairman, is to agree with me that the parliamentary assistant has not got the slightest idea what this amendment to the Provincial Offences Act is doing in Bill 3.

**Mr Curling:** On a point of order, Mr Chairman—

**The Second Deputy Chair:** My goodness, I was just waiting. Yes. I would like to recognize the member for Scarborough North.

**Mr Curling:** I have been listening attentively to the member over there. He is very well informed. Then he turned around and said I have not got a clue. Maybe it is because I was listening to him. I object to the fact that he feels I have not got a clue of what is going on—unless what I am hearing is not making any sense.

**The Second Deputy Chair:** It was not a point of order, but we all appreciate the break.

**Mr Kormos:** The problem with Mr Curling, the member for Scarborough North, is not that he did not know what was going on; it is that he was not listening, because I said that about the parliamentary assistant. Quite frankly, I would rather that Mr Curling were dealing with this legislation because I know the member for Scarborough North, Mr Curling—

**Mr Faubert:** On a point of order, Mr Chairman: The member is addressing a member of this House by his surname when the standing orders clearly say that a member should be addressed by riding as a representative of the riding.

**Mr Kormos:** He is right; Alvin Curling, the member for Scarborough—

**The Second Deputy Chair:** Come on. It is deteriorating into haphazardness. Let's get on.

**Mr Kormos:** Come on, Mr Chairman, what was silly was the point of order, not my referring to Mr Curling by name.

Interjections.

1700

**Mr Kormos:** In any event, we will move on briefly. The member for Scarborough North is leaving now.

**Mr Curling:** No, I'm not.

**Mr Kormos:** Now he is coming back. I have to clear the air here. I did not suggest that he did not have a clue. I suggested the member for Yorkview, the parliamentary assistant, did not have a clue. I repeat, the member for Scarborough North clearly was not listening as well as he wished to.

If the parliamentary assistant wants to demonstrate more than a clue, he would explain what this section is doing here. He would explain why the government figures it can get away with denying fundamental rights to persons charged with what amounts to an offence that can land them in prison for up to 30 days.

He would explain why he can appear to contradict the well-established right of, let's say, an arrested and detained person to retain and instruct counsel without delay when he gives a justice of the peace the power to arrest and detain somebody right there in a courtroom where the opportunity to retain counsel may be literally nonexistent and, indeed, much more difficult than it would be from a police cell.

He might explain why he would bar agents from acting for accused persons. What he is doing there is punishing the poor defendant for the sins of the agent, instead of merely punishing

the agent. I would really very much want to hear that.

**The First Deputy Chair:** I know the member is anxious to conclude his remarks and let us proceed.

**Mr Kormos:** Let's get right down to it now, Mr Chairman. Let's hear from the parliamentary assistant.

**The First Deputy Chair:** The chair understands that the House gave the member considerable latitude. He certainly cannot say he has not had the opportunity to put on the record here anything he wanted to put on the record. We can all go home tonight and play that record, if we want to. I know the parliamentary assistant will be succinct in his reply.

**Mr Polsinelli:** I will try. The member for Welland-Thorold is a self-proclaimed expert on contempt, one of the things I am not. What I would like to do for a few minutes is go through the section for his benefit and for my benefit as well as for the benefit of other members of the House who may be interested in this debate.

The member for Welland-Thorold, even though he is not offering any amendments, is complaining about the horrendous new powers which this government is giving the justices of the peace in terms of controlling their courtrooms. Perhaps what we should do is examine section 90a, which is part of subsection 34(4) of this bill, and see what these horrendous new powers are that the member for Welland-Thorold is talking about.

Section 90a(1) says that if an individual commits contempt in the face of a justice of the peace he is liable to a fine of \$1,000 or to imprisonment for a term of not more than 30 days.

Subsection 90a(2) says that before a proceeding is taken, the justice must inform the offender of the conduct complained of and the nature of the contempt he has committed and show cause as to why he should not be punished.

Subsection 90a(3) says the offender will have an opportunity to show cause as to why he should not be punished.

Subsection 90a(4) is the interesting section, because this is one section that the member for Welland-Thorold has forgotten about in his endeavour to explain the horrendous new power that this government is giving justices of the peace. This subsection says the justice of the peace shall—must—adjourn the contempt proceedings until another day. That is, he cannot

hear it right away, unless it is necessary for the preservation of order in the court.

Surely the member for Welland-Thorold would want to give the justice of the peace, the person presiding over a court, a right to take immediate action if it is necessary for the preservation of order in his courtroom. I cannot see why he would not want to give him that power. I think, and I believe this government believes, that it is a necessary power for the justice, for the person presiding over the court, to take immediate action if it is necessary to preserve order in the court. Now, if it is necessary to preserve order in the court and the justice of the peace decides to take immediate action, then at that point he can have the offender arrested and detained for the purpose of hearing the contempt proceedings. Again I stress, he must refer it to another day unless it is necessary to preserve order in the courtroom.

Now if it referred to another day, if it is not a situation where it is necessary to preserve order of the courtroom, and if it does get referred to another day, then it is not the justice of the peace who will be presiding over the contempt charges, but it is a provincial court judge, and as the member for Welland-Thorold knows, the provincial court judge is on a higher calibre than the justice of the peace; at least the qualifications for a provincial court judge are higher than for a justice of the peace.

That is the system that is contemplated by this amendment. It says if a justice of the peace has to preserve order in his courtroom then he can deal with the contempt charges right away, he can have the offender arrested and detained for the purpose of hearing the contempt charge. If it is not a question of preserving order in the courtroom, then he must set it over for another day where a provincial court judge will hear the contempt case.

The member points out that these are horrendous new powers we are giving to the justices of the peace in allowing them to control their courtrooms. The member for Welland-Thorold again has said that he is an expert on this. He knows very much about contempt proceedings for very personal reasons, and also because of the fact that he is a lawyer. Perhaps what the member for Welland-Thorold should do is check section 71 of the Courts of Justice Act, which presently gives justices of the peace those exact same powers, verbatim, word for word. What this act is doing is it is removing it from the Courts of Justice Act and it is putting it in the Provincial Offences Act where it rightly belongs.



But again I say, it is the exact same power that justices of the peace presently have under the Courts of Justice Act, so if the expert is not offering any amendments, perhaps he would like to discuss it with the ministry officials if he has a philosophical problem or a policy problem as to the powers that presently exist with the justices of the peace to control order in their courtrooms.

**The First Deputy Chair:** The member for Carleton has been most patient with the House this afternoon, and I think we would like to hear from him.

**Mr Sterling:** I just wanted to give my friend the member for Welland-Thorold the opportunity—

**The First Deputy Chair:** Is that what you wanted to do? I am anxious to hear you. I have heard this song. I want to hear yours.

**Mr Sterling:** I have enjoyed the debate this afternoon, and I am learning more about contempt this afternoon than I have in all of my years in practice before I got to this Legislature and since that time.

I am talking to the last section of Bill 3, and as members know we have spent a considerable amount of time in this Legislature dealing with bills 2 and 3. In fact, we have spent probably about five or six hours of legislative time in the legislative chamber. This was unnecessary; not because the amendments put forward were of no value, not because the debate was of no value but because the Attorney General, through his former parliamentary assistant—and we cannot blame the present parliamentary assistant for this—cut off the debate on Bills 2 and 3 in the justice committee during the summertime before that should have happened.

It was interesting, if members look back at the process that court reform has undergone in this province, that some year and a half ago, or almost two years now, the Zuber report was produced. The Zuber report was a report which looked into our whole court system, which I admit was badly in need of reform. About a year and a half later, after considerable consultation with various groups, the Attorney General, on or about 1 May, I believe 4 May of this year, brought forward Bill 2 and Bill 3.

1710

The bill received rather quick second reading. Quite frankly, those of us who debated the bill at that time and voted in favour of it hoped that during the committee process, when we would have the opportunity to hear public input, we would hear from people who had the opportunity

to read the legislation in detail, who knew the effects of the various sections, and who would bring forward to the committee their concerns over the various parts of Bills 2 and 3.

Well, the hearing started on Bills 2 and 3 in the third and fourth week of June of this year, some seven or eight short weeks after the bill was introduced in this Legislature for first reading. At that time the committee entertained a number of very, very substantial groups to bring forward presentations to the justice committee, the Advocates' Society, the Canadian Bar Association, and a number of other groups who knew or deal with our courts on a consistent basis.

The one common thread through all of the submissions in the latter part of June was that they needed some more time to consider, in fact, what this legislation was recommending and what it was doing. See, my concern with Bills 2 and 3, even though we have gone through this process over the last two days and a very, very short process in committee, is that we have not considered all of the issues that were necessary.

That, in fact, was evidenced by the great number of amendments that the Attorney General, himself, brought to the justice committee in early August. A short three months after he introduced the bill in this Legislature, he found it necessary, I believe, to amend some 20 or 30 different sections. In other words, the Attorney General was saying to us on 1 August, "I have made 30 mistakes in bills 2 and 3, in the technicality of bills 2 and 3, and therefore I have to bring these amendments to the committee."

Even by 1 August or 2 August, the groups who we would rely on for their free expertise did not have an adequate opportunity to bring forward those ideas, their concerns about various sections. In fact, it is interesting that we only received the preliminary report of the Canadian Bar Association one day after the Liberal members of the justice committee decided to report this bill to the Legislature.

My friend, the member for Welland-Thorold (Mr Kormos), put forward a motion during the committee, and I supported the motion, that we not report the bill at that time but wait until the first week of the legislative session on about 15 October to report the bill to this Legislature, so we would have the opportunity if the Canadian Bar Association came forward, the Advocates' Society, or any other group that could help the legislative process bring forward constructive suggestions so we could take the benefit of it, put it into the legislation now so we will not have any

glitches when this legislation is put into implementation.

What I fear most greatly is that in spite of accepting four or five minor amendments during this process over the last two days, there probably remain a number of problems with this legislation. Now I do not know how great those problems are going to be, but one of the things that a lawyer who has had any opportunity to practise in a court does know is that if he cannot fight a battle in court on the merits of his issues, he immediately goes to the process that the courts are run by.

That is why I thought that it was imprudent of the Attorney General and the Liberal majority to ram this bill through as they have done. They have not properly consulted with the bar, with the bench and with the public since 3 May or 4 May when they introduced this bill in this Legislature.

I would predict that a number of disputes that will occur in our civil and in our criminal courts will be decided not on the basis of the merits of the case but will be decided on the basis that there is something wrong with Bill 2 and Bill 3, which we are finishing in the committee of the whole House this afternoon.

I do hope, quite frankly, that we have covered all of the necessary amendments. I do hope we have dotted all the i's and crossed all the t's, but when we get into a technical piece of legislation like this where, for instance, Bill 3 amends many other statutes, the Construction Lien Act, as I open up Bill 3, the Crown Attorneys Act, the District Municipality of Muskoka Act, the Conveyancing and Law of Property Act, the Evidence Act, the Fraudulent Debtors Arrest Act, the Fuel Tax Act, the Gasoline Tax Act, the Income Tax Act. Bill 3 amends many, many other pieces of legislation. That tell us that Bill 2 meshes with many other pieces of legislation which we have in our law books for the province of Ontario.

While I have every confidence in Mr Perkins who is the policy adviser on the staff at the Ministry of the Attorney General, I thought it would be most prudent for us to say to groups who would have an opportunity to look at this legislation in detail: "Let's use your free expertise. Let's use your knowledge of the law." Because, notwithstanding the best of intentions on the part of the Attorney General, they do not practise law on a day-to-day basis the same as the private bar does.

Some of the people in the Attorney General's office do and I do not know how much input came from those particular individuals who are

dealing in the criminal courts, in particular. But certainly, I do not believe any member of the policy group in the Ministry of the Attorney General would be expected to have the same kind of expertise and experience that the practising bar would have in the province of Ontario.

Quite frankly, we are not at fault for shutting down the hearings. We would have liked to have invited the Canadian Bar Association, the Advocates' Society and other groups to have the opportunity to come in front of us, after they had adequate time to consult with their members, to talk about this legislation. I believe the Advocates' Society are, in fact, going to meet this month to talk about this legislation and it will be too late. But we would have liked to have had the opportunity to hear their input and then go ahead with the best possible bill so we will not have cases that are decided in our criminal and civil courts on the basis of the process, the fact that Bill 2 or Bill 3 may be faulty and therefore someone who is at fault is not going to be penalized and the person who is the victim of either a civil or a criminal wrong is not going to be satisfied.

I put forward a number of amendments and perhaps the amendment which I feel the government should have considered more seriously relates to section 92 of this bill. I am not sure which section it is but it equates to sections 92 and 92b of the bill.

Those amendments which I put forward dealt with the "management advisory committee" which is going to be dealing with running our courts in eight different regions across our province. There is also an overall management advisory committee which deals with running the courts across the province of Ontario.

#### 1720

The Attorney General received, on 28 September 1989, a letter from the Honourable Brian Dickson, the chairman of the Canadian Judicial Council and the Chief Justice of the Supreme Court of Canada, and he outlined the concerns over sections 92 and 92b of this act. They relate to the problem of who is going to run the courts of this province.

Is it the judiciary, the judges, who should be charged with that? Is it the lawyers who are going to have an equal say with the judges? Is it the Attorney General's department or is it a group of lay people who are going to have that function?

The parliamentary assistant to the Attorney General tells me it is going to be a partnership. Quite frankly, I do not think it should be a partnership. I think the ultimate decision should



be the judiciary, the judges, who make the final decisions as to how the courtrooms are to be conducted across this province.

I asked the parliamentary assistant to the Attorney General what will happen when the 12 members of that committee who are not judges go against the four members who are judges. What happens when their advice to the judges is not acceptable to them? What happens when the judges go ahead and run the courts, as he suggests they have the right to, contrary to the wishes of the other 12? Will the Attorney General then cut back on their funding? Will the Attorney General not staff their courts properly with security and the technical people who are required? Will the bar co-operate with the judges in those cases?

In our province, to this time, most courts have operated in a manner where the bar has been consulted and other people dealing with the court have been consulted, but as I understand it, the present situation is such that there is no aura that they are managing the affairs of the courtrooms of Ontario.

The parliamentary assistant accepted my amendment to change the name of this committee from a management committee to a management advisory committee. That is his answer and the government's answer to the problem of the independence of the judiciary, which is pointed out in Chief Justice Dickson's letter to the Attorney General.

I do not think it is enough. I think he should have accepted the amendments which I put forward whereby it would be guaranteed that there would be as many judges as other people on the committee and it would be guaranteed that the chairman or chairperson of the management advisory committee was in fact a member of the judiciary.

We will see whether or not the legislation will stand the test of time. I think the bar and the other people involved would have accepted an amendment to this part of the legislation, but I do believe the government is taking an unnecessary chance in putting forward this type of management group to run our courts. It is not guaranteeing the independence of the judiciary of this province by bringing forward this kind of model.

In saying a few closing remarks, I would like to thank the Canadian Bar Association for its suggestions and its input with regard to this, and the work on Bills 2 and 3. It is unfortunate they did not have more time. I would also like to thank Elizabeth Baldwin from the legislative counsel's office for the Legislative Assembly for helping

me with the many amendments which she drew up, resulting from suggestions I gave to her. I would also like to thank David Gordon of the Progressive Conservative research bureau who assisted me.

Last but not least, I would like to thank Craig Perkins of the Ministry of the Attorney General, who has been a long-standing strength of the Attorney General's department. I only hope, Craig, that you have taken into account all of the factors that I am concerned about and all of the t's and all of the i's have been crossed and dotted.

**The First Deputy Chair:** Would the parliamentary assistant like to conclude?

**Mr Polsinelli:** Since we are at the point where we are giving the closing credits and the member for Carleton has complimented Mr Perkins, I would like to do the same. I would also like to compliment all the Ministry of the Attorney General staff who have had anything to do with this legislation.

Actually, I will be rather brief. I thought that it was rather important that I respond at least to one point that the member for Carleton talked about in his speech, and that is the point dealing with public consultation and public debate.

It should be noted by members of this House that public debate on court reform had been an ongoing process at least since May 1986 when the Honourable Mr Justice Zuber was given his mandate. His report, as we all know, was handed to the Attorney General some time in July 1987. The Attorney General has had consultation twice on the Zuber report, both in the following winter of 1987 and in 1988. Given his interest in proceeding with this, a task force on court reform was appointed in September 1988 and in a period of two months had 22 meetings across the province.

The meetings that they had across the province were held in six centres. They were held around Ontario with representations of every county law association, the Canadian Bar Association, the Advocates' Society, the Criminal Lawyers Association and other local groups. Also involved in these consultations were consumer and business groups.

The member for Carleton asked whether or not there was any practising bar that had any impact on this legislation. I think he should be made aware that the task force on court reform that was appointed by the Attorney General includes, and I am going to point these out: five crown attorneys, four of whom had court experience within the last 12 months; two civil lawyers, one who was fresh from private practice; one lawyer

from the legal aid system; two police lawyers, and one court administrator.

In terms of the actual legislative process, first reading of the bill was had in this Legislature on 1 May 1989 when the Attorney General announced his multifaceted court reform package. It went to committee 11 weeks later, and at that time we believe that individuals had some time to present briefs to the committee. All the judges were informed that all the judges who had opinions on the bills express them to us, that is, the Ministry of the Attorney General, privately, of course, but in plenty of time for the committee. Indeed, the Canadian Bar Association was able to put not one, but two briefs to the Attorney General in May and July respecting these two bills.

It should be pointed out that in terms of the actual committee process, the committee did undergo a public hearing process and there was never a time allocation motion that was placed by the committee, that is, there was no debate cutoff. Any group that wanted to appear before the standing committee on administration of justice to talk to us about this bill was allowed the opportunity to do so, after which the committee went through its regular clause-by-clause debate and reported the bill to this House.

I hope that at least sets the record straighter in terms of the consultation process. It is not that this bill went in one day and was passed the other. It is in fact a process that was commenced three years ago when the Honourable Mr Justice Zuber was appointed and it is a process that will be completed when phase 2 of the court reform package that was announced by the Attorney General on 1 May of this year is completed.

**The First Deputy Chair:** Is it the pleasure of the House that section 55—

**Mr Sterling:** Mr Chairman, I feel because the parliamentary assistant was not a member of the justice committee—

**Mr Polsinelli:** I was.

**Mr Sterling:** Well, then I would recall and I just want to show him—

**Mr Polsinelli:** Norm, let's not get into that.

**Mr Sterling:** If the parliamentary assistant was there, then he has forgotten something. I want to show him the amendments. Here are the amendments that were before us. In that package there have to be 60 amendments. Does the parliamentary assistant remember how long it took to pass those amendments? Fifteen minutes. Does he call that a proper process? Is he defending that process? It took 15 minutes because there was not adequate time for people to

deal with it in a meaningful manner. That is not an adequate defence.

1730

**Mr Polsinelli:** I must respond to that. It is incumbent on me because I was a member of the justice committee. I was there during the public hearing process of these two bills, and one of the reasons that we went rather quickly through 60 amendments is because, as the member for Carleton will know, we had a reprinted bill that incorporated the amendments and any section of the bill that any member of the committee wanted to hold was available to be held and to be discussed. If we went through them in 15 minutes, it was because the members of the committee were satisfied with the amendments and at that time the member for Carleton did not want to spend the time debating the amendments.

Section 55 agreed to.

Bill ordered to be reported.

On motion by Mr Polsinelli, the committee of the whole House reported two bills with certain amendments.

#### PUBLIC SERVICE PENSION ACT, 1989

##### Clerk Assistant and Clerk of Committees:

The fifth order, second reading of Bill 36, An Act to revise the Public Service Superannuation Act, Mr Elston.

**Ms Hošek:** I am pleased to introduce the Public Service Pension Act for second reading in the House. The bill will amend the current Public Service Superannuation Act and the Superannuation Adjustment Benefits Act. These two acts provide the pension plan for about 85,000 members of the Ontario public service.

The bill addresses the financial problems of the plan which were outlined in the 17 May budget of this year. It also proposes significant changes in how both the plan and the fund are managed. As well, the bill allows for future changes in the area of member responsibility and control and alters the benefit design to reflect Ontario's updated Pension Benefits Act.

Over the past few years, there has been extensive study and discussion on the inadequate funding arrangements for indexation benefits. In the budget, the Treasurer (Mr R. F. Nixon) indicated his resolve to secure inflation protection for these plan members who have made their contributions in good faith over the years. He said that a speedy resolution was necessary so that the financial problems could be dealt with in a fiscally responsible manner and were not



passed on to future generations of plan members and taxpayers.

This legislation fulfils those commitments. It increases the contribution rate for both the employees and the government to pay for pension benefits earned in the future. The government will take responsibility for the past service deficit, a responsibility which entails a financial obligation of almost \$2 billion. Under the new financing arrangements, the basic and indexation funds of the pension will be combined. The result will be one consolidated pension fund providing one benefit, an indexed pension.

The new act also permits the plan to begin investment in market securities and creates an arm's-length organization to administer the plan and the fund. Government representatives met with representatives of plan members last year to discuss alternative arrangements for control of the plan. Since it has not been possible to reach an agreement, the bill provides that the government will remain sole sponsor of the pension plan. However, the legislation keeps the door open to shared responsibility for the plan in the future, either through full partnership or a member-run arrangement. Separate plans for different groups of employees are also an option for future discussion.

This act maintains the excellent level of pension benefits available to the public service, as well as enhancing some aspects of the plan. The House is aware that the Pension Benefits Act legislated a number of requirements affecting all pension plans in Ontario. Although the public service superannuation plan has been administered in keeping with the Pension Benefits Act since January 1988, this act now brings the plan document into formal compliance. For example, under the new act public servants become entitled to a pension in the future after two years of service. Also, the 50 per cent rule ensures that the plan members do not pay for more than half the cost of their pensions since January 1987.

In addition to implementing pension reform, the Public Service Pension Act enhances several benefits. Under the new act, all unclassified, part-time and seasonal employees can choose to belong to the plan. Membership now will be available to virtually all who are employed by the government. I would like to note that this change is of particular benefit for women, who hold the majority of our unclassified and part-time positions.

One of the most important areas of benefit design that the bill improves is portability. In

addition, this act simplifies buybacks of service for plan members whether in the private or the public sector. It will now be possible to transfer any past pensionable service from any pension plan in Canada.

Some technical amendments must be made in order to fulfil the intent of the legislation. I will be tabling these amendments during clause-by-clause review of the bill.

I would like to emphasize that this act will not have any impact on the entitlements current pensioners are already receiving. The provisions of this bill will help to secure first-rate pension benefits for current and future members of the public service and open a new era in management of the fund. It also offers the flexibility and freedom necessary for the public service pension plan to change in the future.

**The Acting Speaker (Mr Cureatz):** I would like to indicate to the honourable member, if she is paying attention, that our very able assistant at the table, Smirle Forsyth, has indicated that in my enthusiasm to try to help matters I am only confusing things. As a result, you should now move second reading of the bill.

Ms Hošek, on behalf of Mr Elston, moved second reading of Bill 36, An Act to revise the Public Service Superannuation Act.

Now that the honourable House leader for the government is here, everything will be correct.

**Mr Morin-Strom:** I am pleased to be able to address this bill. This is my first opportunity to speak for our party as pension critic. Certainly this bill is one that is of very serious concern to myself, to New Democrats and to public servants right across Ontario.

This is a bill, as we see it, that does nothing for the public servants of this province except oblige them to pay even more for the cost of their pensions than they were previously. There are no significant, tangible benefits in terms of improved benefits to any public servant in Ontario. However, at the same time, this government is asking public servants to increase their contributions to the plan by one per cent of their wages, one per cent that will be taken out of the wages of the employees of this province not just for this year but for many years to come.

This legislation is seriously flawed in many respects. Most fundamentally, it does not address the issue of the rights of workers to have some control over their own pension plans and to be able to either manage, jointly manage or negotiate those pension plans that will have such a profound effect on themselves and their families for years to come.

1740

This government has refused to accept the recommendations of its own experts, in particular in the Slater report, with regard to fundamental features of the public service pension plan. This government refuses to accept the desirability of having a plan that is at arm's length from the government, one that is jointly negotiated and governed by the employees who are affected by the plan and by the employer, who in this case is the government.

In this case, the government has put itself into a tremendous conflict of interest when it attempts not only to stipulate all the terms of the plan and prevent employees and their unions from negotiating any aspects of those plans, but as well is the one who holds the assets of the plan.

This government has not opened public pension plans to market investment and the proposal in this bill is inadequate in terms of the management of the plan that historically has meant a cash cow back to the government, a source of government funds from employees' wages that the government has been able to use at interest rates that have not reflected current market values.

The government has not made the kinds of investments that would have resulted in a plan that was self-sufficient, that would have generated the kinds of income and surpluses that would have enabled reductions in the amount of employees' contributions and improvement of benefits.

Instead, because of the total mismanagement of this plan by the government, we have a plan that the government says is looking at a deficit in total even though the level of funding into the plan from the employees is at a higher level than many other comparable plans. In fact, plans that have greater benefits than this have a record of considerable surpluses in recent years and have the availability of funds in those plans to be able to improve benefits.

The mismanagement of this plan has resulted in government action that will necessitate additional funds going into the plan. Because of that mismanagement, the government certainly should be taking on the burden of those problems, not passing it on to employees who had no say in the management of this plan, in the funding of this plan and in the investment strategy of this plan, an investment strategy that was simply a handout back to the government itself.

This plan, even with the changes that are in it, will not meet the retirement income needs of

whole groups of vulnerable employees. Seasonal, part-time and casual employees, for example, do not get a substantive plan, one that will enable them to plan for their families' futures.

The buyback provisions in this plan, the government says, are made simpler. In fact, the buyback plans are more restrictive than under existing legislation and are a penalty to current employees who will be forced to pay higher rates, higher amounts in order to buy back service to extend their pensions.

The guarantees of indexing in this plan are very shaky because of government intentions to assume the ownership of any plan surpluses into the future. The government refuses to ensure that the indexing plan will keep up with inflation.

Also, in the legislation, this plan restricts inflation protection to eight per cent, as the members over there must know. It does not ensure inflation protection, and a plan that had been adequately managed by this government would have had those kinds of protections.

This legislation does not guarantee worker or union representation in the administration of the fund. This is a step backwards from the current legislation. The Public Service Pension Board will not be at arm's length, but will be appointments by the cabinet, by this government. The previous plan did ensure union representation of at least one member. This plan does not guarantee even one member on the pension board.

Most fundamental is the total unwillingness of this government to negotiate contribution and benefit levels with the workers involved. There is no appeal mechanism established to resolve disputes or to review actuarial assumptions established in the legislation. This bill, as it is presented, surely should be rejected. The government could have taken a much simpler approach, an approach that would have been acceptable to public servants across this province, by simply introducing changes to the Crown Employees Collective Bargaining Act so that the union and the employer could undertake genuine negotiations on contribution levels and benefit levels, and on the administration of the plan.

The members of this Legislature have before them a piece of legislation that we know is unacceptable to both parties. We need only test against fiscal responsibility and existing pension legislation. This act is arbitrary in its nature, a unilateral act by this government that will not, and refuses to, negotiate pension benefits with its own employees.



Surely this sets a terrible precedent in terms of the co-operative approach that this government should be striving for in dealing in a forthright manner with its own employees. The inability of the Treasurer and of the Chairman of Management Board (Mr Elston) to negotiate these issues, which are of such critical importance in terms of employee benefits, is certainly an affront to all the workers for this government.

Surely a government that is able to negotiate wage levels, employee working conditions and other benefits could come forward with legislation that would ensure that the same kinds of bargaining rights are available to the workers for the province as are currently available for workers in the private sector. Why is it that workers and their unions are able to negotiate pensions and pension benefits in the private sector, in contract negotiations, but are totally restricted from that kind of negotiation in the public sector?

This bill, which replaces the Public Service Superannuation Act and the Superannuation Adjustment Benefits Act, has several major aspects. There are claims as to benefit provisions in this bill, one of which is to bring the old legislation in line with the Pension Benefits Act that was passed by this Legislature two years ago. These in themselves are not improvements because the Pension Benefits Act in fact supercedes in those areas.

One of the few tangible benefits of this act is in the area of some contract employees and unclassified part-timers who will now be given the option of joining the plan. This will affect a limited number of workers who will now be eligible for a partial pension from the province of Ontario. The legislation will allow pension transfers into the plan from any past pensionable service, whether from the public or the private sector, but those transfers are under restrictive conditions in which the payments are going to be at higher levels to buy back past service because they will be based on wages today, not based on the wages at the time the service was actually undertaken.

As well, employees will be forced to pay the cost of this buyback amortized over a five-year period rather than over a 10-year period. This will make the additional costs of that service prohibitive for many employees. The rules governing the purchase of credit for past service have been tightened considerably so that the buybacks for certain service in the private sector will be very difficult for those employees.

## 1750

The funding of the plan: this legislation requires pension plan members to pay an additional one per cent of their salary on top of the seven per cent they are already contributing, but this is a unilateral action being taken by the government with no improvement in benefit levels to public sector employees working for the province of Ontario. The legislation claims that it will permit market investments rather than the old requirement that all funds be invested in nonmarketable government of Ontario securities, but given the fact that the government is retaining total control over the management of the pension funds, we have no assurances that in fact these pension funds will be managed in the best interests of the employees.

We should have a pension board that is at arm's length, and in some of the language the government claims that it is, but in fact all appointments to the pension board are going to be made by the Lieutenant Governor in Council, in other words cabinet appointments, even if there is an agreement reached at a later date for joint control of the pension plan. The government is planning to administer the plan and invest the funds in its best interests, not in that of the employees.

This new act is also based on the government remaining as the sole sponsor of the plan with the right to all future surpluses. This is nothing more than giving the government the opportunity to steal the funds of the employees, funds that are in fact being held in trust for workers in this province, not funds that belong to the government of Ontario. In this bill the government is acting as both legislator and employer, so it has more than a passing interest and a conflict of interest in this concern.

Our position is that this bill is unnecessary and should be discarded by this government and that true, full negotiation should take place between the government and the workers of this province, through their union representatives, so that a mutually-agreed-upon pension plan can be reached.

All that is needed to do this is an amendment to the Crown Employees Collective Bargaining Act that would allow pensions to become part of the collective bargaining process. We have introduced such an amendment in the past in private members' bills. I would ask the government to take a closer look at them and a look at that approach as a realistic one that would ensure that we have benefits for the employees of this province that are agreed to by them, as they have

a dual role to play in the reaching of wage and benefit packages covering all aspects of their benefits with the government.

This bill really is about negotiability and a real partnership that is needed between the government and its employees. I think it is most unfortunate that this government has not approached the employees in an open and forthright manner on this bill. This bill does not reflect the interests of the workers of this province, but, as with other initiatives in the area of pensions from this government, reflects the unilateral action which is in the best interests of the employer, not at all in the best interests of the workers.

I find it particularly outrageous that government continues to play fast and loose with pension plans that belong to workers. These funds surely represent deferred wages; wages that workers agreed not to take when they were earned but rather to invest for future use when they could no longer earn wages. In one's later years, one's family, one's spouse and oneself are very dependent upon the pension plan that one has earned over the years of service for his or her employer; in this case, for the province of Ontario. The funds that are in this plan represent benefit improvements that were not offered in other areas to employees.

These funds represent a forfeiture by employees of unvested benefits and the reduced benefits which accrue to deferred, as opposed to active, employees. Much of this forfeited benefit surplus in many plans has resulted from the economic downturn of the 1980s and consequent layoffs and terminations.

High interest rates and good investment markets have enabled many pension plans to

generate substantial surpluses. With better management, this plan should have been able to achieve those kinds of surpluses as well. In the future, if a surplus is generated in this plan, the government, in this act, is stating its claim that those surpluses would be returned to the government. This is a terrible precedent to set in terms of the kinds of protections that we are expecting with respect to the private pension plans in the legislation anticipated very shortly in that area as well.

This plan has very many serious flaws, but at this time—

**The Acting Speaker (Mr Breaugh):** I would ask the member if this would be an appropriate time to adjourn the debate and we can proceed later.

On motion by Mr Morin-Strom, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon Mr Ward:** Pursuant to standing order 53, the business for the upcoming week is as follows:

On Monday, resuming the second-reading debate on Bill 36, and should that debate conclude, we will then proceed to second reading of Bill 64 and Bill 65.

Tuesday will be spent completing the unfinished business from the previous day, as will Wednesday, and on Thursday we will continue any previously unfinished business and from there proceed to third reading of Bills 2 and 3 and second reading of Bill 66.

The House adjourned at 1800.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## HOUSING FIRST

**191. Mr Harris:** Would the Minister of Housing provide the following information about the Housing First program: (a) the number of units allocated to each site of government land released since May 1987; (b) the breakdown of the type of housing allocated to each site; (c) the number of rent-geared-to-income units allocated to each site; and (d) the number of units under construction as at 1 May 1989? [Tabled 29 May 1989]

See sessional paper 188.

## ASSISTED HOUSING

**294. Mr Eves:** Would the Minister without Portfolio responsible for senior citizens' affairs indicate whether she is a member of the Premier's Council on Health Strategy and, if so, why she did not sign the council's recently released report? [Tabled 10 July 1989]

See sessional paper 189.

## GOVERNMENT CONTRACT

**313. Mr J. M. Johnson:** Would the Minister of Government Services table the names of all who submitted tenders for the construction of the building to house the Ontario Lottery Corp. in Sault Ste Marie, the amount of each tender and the firm to which the contract was awarded? [Tabled 12 October 1989]

**Hon Mr Ward:** The following firms submitted tenders for the construction of phase 2 of the Sault Ste Marie office complex which will house the Ontario Lottery Corp: V. K. Mason Construction Ltd, \$42,950,000; Matthews Contracting Inc, \$41,845,000; Ellis-Don Construction Ltd, \$40,994,000; and E. G. M. Cape and Co, \$40,762,049.

The lowest tender did not meet the mandatory requirements outlined in the tender documents. The contract was awarded to Ellis-Don Construction Ltd.

## INTERIM ANSWER

**254 to 256. Mr McLean-Hon Mr Bradley:** Additional time is required to compile this information. A final response will be provided on or around 15 December 1989.

## RESPONSES TO PETITIONS

## TEACHERS' SUPERANNUATION

Sessional paper P-2, re Teachers' Superannuation Act.

**Hon Mr Conway:** The issue of providing a pension based on a "best five" years' service to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan.

Studies have shown that a "best five" recalculation would have considerable cost implications for the teachers' pension funds. Studies have also indicated that such a measure would not provide significant improvements for those who retired prior to 1976 and did not benefit from improved salary conditions and inflation protection.

In 1985 this issue was referred to the Public Sector Pensions Advisory Board, which reviewed the matter and recommended against such a change. Following these recommendations, the government decided that the most effective use of limited resources would be to augment low pensions with an ad hoc increase for teachers who retired prior to 1976. This improvement was implemented in 1987 and has been paid for entirely by the government.

## COMMERCIAL CONCENTRATION LEVY

Sessional paper P-30, re commercial concentration levy tax.

**Hon R. F. Nixon:** This government recognizes the importance of tourism to Ontario. The province has historically provided tax and direct support programs to tourism operators as a means of assisting the industry. An example of this support is the lower retail sales tax rate (five per cent) on transient accommodations.

Providing adequate transportation infrastructure is a priority of the provincial government. The commercial concentration tax is one of several revenue measures designed to finance the five-year, \$2-billion transportation capital program introduced in the 1989 Ontario budget. The other revenue measures include increases in motor vehicles registration fees and increases in gasoline, diesel fuel and other motive fuel taxes.

Rapid growth in the province, and especially in the greater Toronto area, has put a strain on the existing transportation infrastructure. The transportation capital program is intended to meet the demands for improved highway and transit in the GTA and throughout Ontario.

I have met with the hotel industry to discuss the design and rationale of the commercial concentration tax. I continue to believe that the owners of commercial property in the greater Toronto area, including owners of hotels, will

benefit significantly from the \$1.2-billion investment committed to the GTA under the transportation capital program.

The commercial concentration tax exempts the

first 200,000 square feet of gross area for commercial structures. This significantly reduces the amount of tax payable by most hotels in the GTA.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
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 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

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**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

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**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

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**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

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**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

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No. 64

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Monday 6 November 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 6 November 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### ADULT PROTECTIVE SERVICE WORKERS

**Mr Kormos:** A little while ago I spoke to the Ontario Association of Adult Protective Service Workers, who are holding their annual meeting in Niagara Falls. Adult protective service workers assist mentally disabled adults to live in the community. They help these people find homes, find jobs, go to the bank, go shopping and get to the doctor. They help them live as fully as possible in a community and not in institutions. Some 154 of these workers in Ontario help about 8,000 people. Notwithstanding that, several thousand more people are waiting for workers of their own so that they too can move into the community. Adult protective service workers fight for their clients when necessary—with bosses, landlords, retailers—to make sure that these clients are not exploited or abused by anyone.

Sometimes they have to fight the very hand that feeds them, the Ministry of Community and Social Services, when that ministry lets their clients down. Now, the Minister of Community and Social Services (Mr Beer) wants to move adult protective service workers into agencies and take away their ability to advocate for their clients. Killing two birds with one stone, the ministry will save money and also silence these workers by making them case managers instead of advocates.

Members should read the brief that these workers have prepared and given to the ministry. It is dead on. Also, we should heed their call to set up Advocacy Ontario, which the Attorney General (Mr Scott) has delayed and delayed since his promises back in 1985, and which would give workers the freedom to criticize government agencies when disabled persons need protection from those very ministries and agencies.

### LECH WALESA

**Mr Jackson:** As all members of the House will be aware, on Friday of this week Ontario will be extending a warm welcome to Lech Walesa,

the leading figure in Poland's, and indeed eastern Europe's, drive for freedom.

As the leader of Poland's Solidarity movement, he led a 10-million-member organization along the road of social reform in a communist society where ideological rhetoric superseded economic reality. He saw his movement crushed in body, but he also witnessed its spirit rise a few years later amid the thronging masses of eastern Europeans demanding freedom and bread.

Today, his once-outlawed Solidarity movement forms a significant part of the government of Poland. The impact of this is truly far-reaching, both for Poland and for all of eastern Europe. Lech Walesa comes to all Canadians with an extended hand of friendship and love. He comes as one who would like to learn from our democratic heritage, which is what has made Canada the great nation it is.

On behalf of the Progressive Conservative Party, I should like to welcome the arrival of Lech Walesa to Ontario and Canada. May he experience to the fullest our internationally acclaimed Canadian hospitality. May he leave here in the knowledge that in Canada, Poland has a strong and supportive ally in the coming months of trial and difficulty.

To the members of our Polish-Canadian community here in Ontario I say: We share your exuberant anticipation of Lech Walesa's arrival. It will indeed be a great day and a day that, until recently, it was thought would never come.

### AGRICULTURAL INDUSTRY

**Mr McGuigan:** I wish to congratulate the Honourable Don Mazankowski, federal Minister of Agriculture and Deputy Prime Minister, on his sudden but reassuring decision to stand up for the Canadian farmer. His free-trading provincial Progressive Conservative counterparts could take lessons from the federal minister.

It is ironic that the United States, which claims to be the producer and consumer of the world's best agricultural products, would complain about imports of Canadian durum wheat, which, as the minister says, is far superior to the American product.

Mazankowski points out that US producers have little reason to threaten countervail against



Canadian durum wheat—that is the wheat used for noodles and pasta—when in fact US producers receive between \$40 and \$50 more in subsidies per tonne than their Canadian counterparts. We agree with the Deputy Prime Minister when he expresses outrage over the recent US imposition of a countervail duty on Canadian pork imports, which amount to three per cent of the American market. Canada is correctly and in fairness fighting the ruling under the free trade agreement and at the GATT.

The minister went on to say: “The US position on Canadian quotas on dairy products are wrong and patently unfair. It really defies belief that they can complain about our quotas while their whole market is closed to Canadian supply.”

Free trade is now a fact and we have to recognize its presence. At the same time, even if it is late in the game for the federal minister to defend the Canadian farmer in the international arena, we must congratulate him on the show of support.

#### DEINSTITUTIONALIZATION

**Miss Martel:** The Ministry of Community and Social Services’ multi-year plan has been and continues to be greeted with mixed reactions around the province. Parents with developmentally handicapped children institutionalized in recent years are pleased that they will be returning to the community. Many parents who placed their children in institutions years ago because of a lack of community services are fearful for themselves and for their relatives, who now consider the facility as home. Others who have kept their children at home are frustrated by the competition for scarce Ministry of Community and Social Services resources which will now result in their community.

These concerns are common to parents and relatives in the Sudbury region. The parents, however, have responded in a unique way. On Friday 2 November, they, in conjunction with the Ministry of Community and Social Services and supporting agencies, held their second conference to discuss the multi-year plan. The session aimed at updating parents on what had been accomplished since the conference last year and where the local ministry office is heading in terms of plans and services for 1990 and beyond. Parents were asked for input on restructuring the children’s handicapped benefits program, what kind of respite care was required in the community and how the Ministry of Community and Social Services must do away with its annual forms confirming ongoing disability.

Most important, however, was the discussion on what the priorities had to be and how parents could get involved in the planning and decision-making process itself. The conference was an eye-opener for me and I encourage it to be open to the public next year. Congratulations to all those who took part in it.

#### ROUGE VALLEY

**Mr Cousens:** The Rouge Valley system is the last wildlife area in Metropolitan Toronto. It has Metro’s largest forest, Metro’s cleanest river and Metro’s cleanest beach. Why does not this Rouge Valley system become a Canadian heritage park?

On Saturday, I went on a tour of the Rouge Valley, at least part of it, with the Speaker of the House of Commons, the Honourable John Fraser, and Pauline Browes, the MP for Scarborough. Mr Fraser said at that time that if the federal House were to have a vote on this, it would be unanimous that all parties would support the fact that this would become a heritage park. Scarborough council has supported that it become a heritage park, and so has Markham council.

I was there representing the province, and I felt very lonely because the other members for Scarborough have not stood up and had themselves counted. Where is the Honourable Gerry Phillips, member for Scarborough-Agincourt, on this issue? Where is Cindy Nicholas, the member for Scarborough Centre? Where is Ed Fulton, the member for Scarborough East? Where is Frank Faubert, the member for Scarborough-Ellesmere? Where is Scarborough North’s MPP, Alvin Curling?

They should stop sitting on their hands and stop just giving lip service to this and get to work inside this Liberal caucus and do something to make this into the kind of park it should become. The fact is that they were not there on the tour supporting the Speaker on this, which is not a partisan issue. It is something that touches the hearts of all the people of Metro Toronto. It is time these Liberals stood up to be counted.

#### 1340

#### HAZARDOUS WASTE

**Mr Reycraft:** Last Friday morning, 3 November, a group of concerned citizens held a demonstration at the city of London’s landfill site in the town of Westminster in Middlesex county. These citizens were expressing their concern about fly ash from Victoria Hospital’s energy-from-waste incinerator. That fly ash is being buried at the Westminster landfill site.

Fly ash is the residue produced during the incineration process, and it can contain potentially toxic elements. The issue came to the surface several weeks ago when Environment Canada released a report that recommended that the city of London discontinue fly ash disposal in Westminster. This recommendation was made to prevent possible ground water contamination near the landfill site.

We have learned from Ministry of the Environment officials that the ministry is aware of this situation and has been actively working towards a solution. After learning of the Environment Canada report, the ministry asked that Victoria Hospital voluntarily consider the hazardous nature of the fly ash and dispose of it appropriately. To date, Victoria Hospital has refused to do that.

I would like to acknowledge the minister's concern and action to date in this matter. I know that all parties concerned—the city of London, the town of Westminster, Victoria Hospital, but especially the people who live in Westminster—look forward to a speedy resolution that will protect the health of present and future Westminster residents.

#### TICKET SCALPING

**Mr Farnan:** The Attorney General (Mr Scott) and Ontario's Minister of Consumer and Commercial Relations (Mr Sorbara) have said they do not consider ticket scalping a major problem, and the current Ticket Speculation Act reflects this view. With a minimum fine of \$5 and a maximum fine of \$50, it is obvious to all that scalping of tickets is considered to be a minor offence by this Liberal government.

This weekend, York region police seized thousands of tickets from one individual. The tickets ranged from sports events to performances of the Phantom of the Opera, Les Misérables, concerts by the Rolling Stones, Paul McCartney and even tickets for a children's concert by Sharon, Lois and Bram.

Not a major problem, the ministers say. It is a major problem when some scalping operators are earning between \$200,000 and \$400,000 yearly. In fact, federal officials at the Department of National Revenue admit they are concerned and are investigating suspected tax evasion by these barracudas of the black market economy. Surely these ministers must realize that the possibility of a family's visiting Toronto to enjoy a major concert or event and having access to decent seats is diminished by this illegal trafficking that corners the market by initial purchase of the

better seats and then exploits their artificially created demand for tickets.

The ministers, of course, never have to worry about getting decent seating at events. Talk to the young men and women who queue for hours only to be told that the better seats have already gone. The proliferation of scalping and the lax government response to the problem puts better seats at major events beyond the means of the average Ontarian. This amounts to condoning racketeering.

#### TORONTO AREA TRANSPORTATION

**Mr Cousens:** Many members in this House will be aware that the Progressive Conservative caucus has established a task force to study the transportation needs of the greater Toronto area. As chairman of our committee, I have had the opportunity to meet with regional councils across the greater Toronto area, and early in the new year we will be organizing meetings within communities across the greater Toronto area.

The fate of transportation in Ontario's economic hub is a very serious matter. Local officials, transportation and urban planners, individual citizens have all echoed the same sentiment—something must be done. Congestion is costing us in ways that effect each and every one of us. By the year 2011, the population of the GTA is expected to reach 5.5 million people, resulting in close to 550,000 people commuting into Metropolitan Toronto. Commuting time is expected to rise to two hours by the mid-1990s. It is estimated that traffic accounts for nearly \$2 billion in lost time and shipment delays.

The time has come for this government to begin to move on a number of short- and long-term solutions. Let's get moving. Our roads and highways are not adequate, public transit demands greater attention, while at the same time development runs rampant. It brings to mind the phrase, "I have miles to go before I sleep." For hundreds of thousands of desperate commuters, nothing could be further from the truth.

#### RENOVATIONS TO APARTMENT BUILDINGS

**Ms Poole:** Today, I invite my colleagues in the House to join me in acknowledging a major victory for tenants. On Friday of last week, tenants from 221 Balliol Street scored an important precedent-setting victory in the Supreme Court of Ontario. They were granted a permanent injunction preventing their landlord from performing unnecessary renovations in the building.



This court decision establishes for the first time that tenants have a right to be consulted about capital expenditures in their building. Tenants have regained control over their homes. I will once again be addressing this issue of capital expenditures in a question to the Minister of Housing (Mr Sweeney) in the House today.

I would like to commend the president of the 221 Balliol Tenants' Association, Belle Mayrand, and her executive, who against all odds never gave up till victory was in their grasp. They have demonstrated to one and all what hard work and dedication can achieve.

**The Speaker:** If I could have your attention, I would like to draw to the attention of the House that one of the members in a statement today referred to about five members by surname and given name. I would like to remind all members that they should refer to members only by their riding.

Interjections.

**The Speaker:** Order, order.

#### VISITOR

**The Speaker:** I would like to inform the members that we have a visitor in the lower west gallery, a former member from Brantford. I hardly know how to introduce this gentleman to you. I think I will just say I would like to introduce Captain Mac Makarchuk, the former member for Brantford.

#### STATEMENTS BY THE MINISTRY

##### ELECTRICITY DEMAND AND SUPPLY

**Hon Mrs McLeod:** As members are aware, the Ontario government has asked Ontario Hydro to prepare its forecast of electricity demand and its plans to meet the identified demand over the next 20 to 25 years. Hydro is now in the final stages of preparing its demand/supply planning strategy, and we have made it clear that no approval of its proposals will be given until they have been subjected to thorough and extensive public review.

I would like to announce today that this promised review will be carried out under the Environmental Assessment Act. I have looked at several review options and am convinced that an environmental assessment is the best way to ensure that the public and all interested parties will have a chance to assess Hydro's demand and supply estimates and its proposals for meeting our electricity needs. I am also confident that this review can be carried out in a timely manner. While public participation and thoughtful analy-

sis are essential to the review, we will make every effort to ensure the process is carried out without undue delay.

I do not need to remind anyone in this House that the final decision on Hydro's proposals will be of great importance to the people of Ontario. I believe it is absolutely vital that the public be given an opportunity to help make that decision. The environmental assessment will provide that opportunity.

All of Hydro's projections and demand studies will be laid out for scrutiny. The assessment will also include a review of avoided costs; that is, the costs that are avoided by Hydro's not generating the power itself. The review will also address the issue of the social and environmental costs of the different supply and demand options.

The main question is whether new generating facilities will be needed, and if so, what kind. This will be decided by the Environmental Assessment Board only after all views have been heard. In reaching its decision, the board will be reviewing the appropriate mix of demand management, conservation and new supplies. If the board concludes that we do, in fact, need new generating facilities, specific projects would have to undergo separate environmental assessments, and public hearings would be held.

The government recognizes that Ontario Hydro faces a complex and difficult set of choices in developing its plans, as all available demand and supply options have environmental, economic and social impacts.

The challenge is to ensure that the electrical power system develops to meet Ontario's electricity needs in a manner compatible with Ontario's environmental goals. Having said that, I would like to assure the House that, as Minister of Energy, I will continue to stand firmly by my mandate. That mandate is to do my utmost to ensure that Ontario continues to have a supply of electricity that is both reliable and reasonably priced. Without access to reliable energy supplies and without efficient energy use, we cannot hope to remain competitive in world markets. It is as simple as that.

At the same time, I am committed to carrying out this mandate with full regard for environmental concerns. In all conscience, we cannot attempt to meet our needs in ways that prevent our children from meeting theirs.

1350

#### HOME CARE SERVICES

##### D'AIDES FAMILIALES

**Hon Mr Beer:** I would like to inform the House of an important step my ministry and the

Ministry of Health are taking to improve the working conditions of visiting homemakers in Ontario.

Le rapport du Conseil du premier ministre sur la santé, rapport intitulé « Passons à l'action », insiste sur l'importance des services situés au sein des communautés pour l'avenir du système de soins de santé de l'Ontario. Les mesures dont je veux vous entretenir aujourd'hui sont en conformité avec ce principe. Elles auront pour effet de consolider grandement le réseau de distribution des soins au niveau de la communauté.

As members know, in May of this year, our government committed over \$88 million to improve the salaries of front-line workers in Ontario's community agencies. One such group of workers who provide care primarily to elderly people and people with physical disabilities is the visiting homemakers.

Homemakers provide an invaluable service to the citizens of this province.

Le but des services d'aides familiales, c'est de venir en aide à ceux qui désirent autant que possible demeurer dans leur communauté et dans leur domicile. Ce but, c'est également celui de notre gouvernement.

It is my pleasure to release today, on behalf of my ministry and the Ministry of Health, the details of almost one third of the \$88 million previously announced: a \$28.9-million compensation and training package for homemaker services in Ontario.

This additional funding will raise homemakers' average hourly wage from \$6 per hour to \$7.85 per hour, an increase of over 30 per cent. Furthermore, this compensation package ensures that homemakers who provide publicly funded programs will be paid a minimum of \$7.25 per hour. All of these changes are retroactive to 1 September 1989.

In addition, for the first time, homemaking agencies such as the Red Cross will receive funding specifically to pay homemakers for travel time between clients. This represents new income to homemakers, most of whom are not currently paid for their travel time.

Let me give members an example. Assume a homemaker works 30 hours a week and spends an additional five hours travelling to and from clients. Our new policy now means that he or she will be compensated for 35 hours instead of only 30, as has been the case until now. This means that a particular homemaker will see an increase in pay from the present \$9,385 to \$14,325 annually. That is an increase of 52 per cent.

This recognition of travel time will be especially beneficial to those homemakers in rural and northern Ontario where travel time can be extensive.

Notre gouvernement est convaincu que la formation professionnelle est une composante cruciale du programme des aides familiales. C'est d'ailleurs ce qu'a confirmé le rapport du Comité interministériel sur les services d'aides familiales, rapport que mon prédécesseur a publié l'an dernier.

Accordingly, we will be providing \$2.2 million in funding to support training for homemakers.

The changes I have announced today will be implemented using a new simplified funding approach that streamlines the way funding for public homemaking agencies is determined.

The Ministry of Health and my ministry have taken these steps to ensure that the public homemaker services programs remain a viable and integral part of the health care and social services system in this province.

Later this fall, the Minister of Health (Mrs Caplan) and I will announce the next step in the development of reforms to our long-term care system.

The funding I am announcing today represents a significant improvement to homemaking, which is an essential element of the long-term care system Ontario is planning for the future.

Together with homemaking agencies, we can ensure that the frail elderly and people with disabilities can make a decision that many of us often take for granted, the decision to remain in their own communities and in their own homes.

#### REVISED STATUTES AND REVISED REGULATIONS

#### REFONTE DES LOIS ET RÈGLEMENTS

**Hon Mr Scott:** Later on today, I will be introducing bills entitled the Statutes Revision Act and the Regulations Revision Act. These two bills mark a significant decennial event in the work of this assembly. They provide the process whereby the public general statutes and the regulations of the past 10 years are brought together, revised and consolidated into the Revised Statutes of Ontario and the Revised Regulations of Ontario.

The periodic revision and consolidation of our statutes and regulations is a great service not only to the judiciary and the legal profession, but to all the people of Ontario for whom access to the law is made just a little easier.



For the most part, the bills set out the mechanisms used in preparing and adopting previous revisions. However, in one major respect, the 1990 statute revisions will take us far beyond any previous revision by recognizing French as an equal voice of the laws of Ontario. The 1990 revision will carry out the obligation established under the French Language Services Act, 1986, to translate into French all the public general statutes of the province.

The French translations will be treated in the same manner as the usual English revisions, and the two versions will be proclaimed in force together as law during 1991. For ease of reference, the English and French versions of the statute will be printed side by side in two columns on the same page.

A mon avis, nous pouvons être fiers d'avoir établi le fondement juridique des lois bilingues dans cette province.

I urge my colleagues to join with me in ensuring speedy passage of this legislation so that the revision commissioners may get on with their important work.

## RESPONSES

### ELECTRICITY DEMAND AND SUPPLY

**Mrs Grier:** I would like to respond to the statement by the Minister of Energy (Mrs McLeod) and say to her that I look forward to an extensive approval and review process under the Environmental Assessment Board.

We welcome her statement that, should the board conclude that we do in fact need new generating facilities, specific projects would have to undergo separate environmental assessments. I hope we can have reassurance from the minister, should Darlington B be the preferred option, which of course we hope it will not be, that the site, even though it has been exempted under the Environmental Assessment Act, would require a full environmental assessment.

I also want to draw attention to the fact that there is in the statement the phrase "the process is carried out without undue delay." There have been occasions when that phrase has been used to restrict the amount of public participation in public hearings, and I hope that will not be the case in this very important instance. I hope also the expertise that the Ontario Energy Board has gained into energy matters and pricing matters will be at the disposal of the panel appointed to hear this hearing.

I would like to also express our regret that the review of avoided costs, which was promised some months ago, has not yet been begun. We

regard that as an integral part of Ontario Hydro's decision on what the preferred option is. I am not at all sure it is appropriate that that review be carried on by the body that is making the determination on the preferred option. I would much prefer to have seen that review begun some months ago and be before the board for an evaluation, rather than being part of the hearing.

Finally, I would just like to remind the minister that the intervenor funding pilot project will, I trust, be in place for this particular hearing, because intervenor funding is going to be required in large amounts. I look forward to that being approved.

### HOME CARE

**Mr Allen:** I want to respond to the announcement by the Minister of Community and Social Services (Mr Beer) of additional funding to homemakers' services to provide for increase in wages, coverage of travel time and also the provision of training costs. In those three recommendations, the minister responds to some three of the 28 recommendations that the report on the interministerial committee on visiting homemakers' services presented to the ministry a year and a half ago.

My first observation is that this is essentially a survival plan, rather than a generous response to the needs of visiting homemakers who provide such a critical service to the frail elderly, the disabled and those who are homebound. To put it in perspective, I think one first must observe that the wages for a single person who is a visiting homemaker now are at least, on the average, above the poverty line. I suppose that is a significant accomplishment, given where the wages were. But given where they are at this stage, that is not a particularly ambitious accomplishment.

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Second, if one were to look at a neighbouring province, like the province of Quebec, where instead of receiving a minimum of \$7.25 under the new plan that the minister has in place, the province provides the homemakers it directly funds \$10.50 plus benefits, again, the measure is not a particularly happy one.

One has to observe with regard to the minister's statement that there is no comment about the manner of distribution. For example, what is going to happen in my own city where members of the executive operating branch of the homemakers' services have been paying themselves the same level as the visiting homemakers and they have been able to eke the salaries up

over the \$7 level? But now, of course, are they going to be compensated and moved substantially in any particular direction or are they going to be stuck, basically, where they presently are with an inadequate wage level that continues to foster a very heavy turnover of homemakers in the service?

With respect to the travel time addition, that is a welcome announcement but it does not say anything about covering the actual costs which many of the homemakers still have to bear themselves personally. It is a help to have their travel time covered now, which obviously was time on the job, but what about the costs that homemakers incur in their travels which are not compensated in many of the cases in the services around the province?

The minister may be fudging a little bit with respect to his 52 per cent increase when he adds some of those figures in. It strikes me that getting the travel time in there is indeed additional money but, given what it covers, there was a problem there that was a problem in and of itself and the homemakers of course are happy to have that much relief.

#### ELECTRICITY DEMAND AND SUPPLY

**Mrs Marland:** I want to respond to the statement by the Minister of Energy (Mrs McLeod). In fact, it is rather a nonstatement. The fact of the matter is that in the statement the minister is saying that Ontario Hydro's plans will be reviewed under the Environmental Assessment Act. I say, with respect, it is required under the act in any case to be reviewed under the Environmental Assessment Act, so that is not anything new. That is a statement of what is today the law.

I think it is terribly important to note that we have been waiting for five years for these plans and I see now that they are preparing to submit them. We certainly hope they will be here before we have brownouts in the mid-1990s.

I think too that it is important to read very carefully what is said here because, when it says that all interested parties will have a chance to assess Hydro's demand and supply estimates, I hope that its plans are not going to be based on importing from the United States because I also notice that it talks about it being cost-efficient.

If it is cheaper to import electricity from the United States than to generate our own, it is not an option that I or the members of our party necessarily would support if it meant importing electricity that is generated in coal-fired thermal units in the United States that do not have the

emission controls or the sensitivity to the environment that we here in Ontario do.

I think it would be really significant if this minister could insist on Hydro introducing a very realistic conservation program and educating the public as a whole as to the problem and the responsibility of conservation. I hope also that when we look at the future plans for Hydro, they will include scrubbers on the coal-fired thermal units here in Ontario and not make the provision of electricity based on expediency rather than the protection of the environment.

The minister has said in her statement that the mandate is for her to do her utmost to ensure that Ontario continues to have a supply of electricity that is both reliable and reasonably priced. I say, with respect, I would like to see her add to that statement that it also be environmentally appropriate.

#### HOME CARE

**Mrs Cunningham:** I would like to respond to the Minister of Community and Social Services (Mr Beer) with regard to his announcement to improve the working conditions of visiting homemakers in the province of Ontario.

This is certainly a welcome move on behalf of the government of the province of Ontario. All of us are supporting keeping our frail, our elderly and our disabled in their own homes as far as possible, and we all know that it has been a tremendous challenge to attract people into the homemaking profession, to keep them there and to encourage them in their work. So, of course, we applaud the government with response to wages, travel time and also the very small portion of \$2.2 million towards training, which is so essential to the quality.

I would remind the minister, however, that in the spring we did look at a promise of some \$88 million, most of which was to go to the salaries for front-line workers. We were looking at all workers in community agencies, especially group homes. We look forward with confidence to the next announcement in the very near future, to the improvement of wages and the working conditions for those young people and committed workers in our group homes so that we can further support the disabled, the elderly and the developmentally handicapped as they strive in this very difficult world to retain their dignity, and give support to their parents, who are very much looking to us for good care for their relatives and young people.



## REVISED STATUTES AND REVISED REGULATIONS

**Mr Sterling:** I just want to comment briefly on the introduction by the Attorney General (Mr Scott) of the Statutes Revision Act and Regulations Revision Act. The Revised Statutes of Ontario 1990 will occupy a space of great breadth in terms of the volumes involved. We have no objection and actually laud the printing of the revised statutes in both English and French, but to print them together is truly not a commonsense approach to take. We believe that it will be wasteful of our resources and environmentally not sound. We have no objection, again, as I say, to printing them in both languages, but quite frankly it does not make much sense to do so at this time.

## ORAL QUESTIONS

### RENOVATIONS TO APARTMENT BUILDINGS

**Mr B. Rae:** I have a question today for the Minister of Housing. I am sure the minister is aware of the decision by Justice Hollingworth last week, dealing with the question of the liability of tenants for renovations which they feel are unnecessary. Can the minister tell us what he plans to do to make sure that other landlords do not do what this landlord at 221 Balliol Street tried to get away with?

**Hon Mr Sweeney:** My honourable colleague would be well aware of the fact that the challenge facing the judge came under the landlord and tenant legislation and dealt with the right of the landlord to enter upon the premises to do renovations. The judge's ruling, as I understand it, was to uphold the injunction which in fact prevented the landlord from doing that very thing, and in making his judgement he referred to the renovations as being unnecessary.

I further understand that the lawyers representing the landlord in this particular case have indicated that they are going to appeal the decision. We have two difficulties. First, we do not know whether or not this is going to be upheld in the courts. Second, we are having some difficulty in determining the distinction between what is necessary and what is unnecessary and, in fact, who is going to make that decision, because it has been brought to our attention that repairing a sink in one unit might be necessary but repairing a sink in another unit might be unnecessary. We are looking at those ramifications, but we do not have a final answer yet.

**Mr B. Rae:** It is precisely because of the implications of the judge's decision and the implications of the problem facing these tenants and indeed hundreds of other tenants across the province that I am raising this question. I would like to ask the minister this. Why would he not consider an amendment, not to the Landlord and Tenant Act, but to the legislation affecting rent review, which would require landlords to ask of tenants their permission before effecting major renovations either in the building as a whole or in their own apartment? That would therefore make sure that the tenants had the right to say to landlords, "No, that is a repair and a renovation we don't want and that is a repair and a renovation we are not going to get billed for because we don't want it." Why not put that right into the law the way it should be?

1410

**Hon Mr Sweeney:** My colleague the member for Eglinton (Ms Poole) presented me with an amendment to the legislation that would in effect do what the Leader of the Opposition has suggested. Legal authorities within my own ministry have indicated that the current scope of the legislation would not allow that. In fact, it would be ruled *ultra vires* by the courts. We are still looking at whether it can be done in some other way, but a straight amendment such as the honourable leader has suggested would not be permissible under the existing rent review legislation.

**Mr B. Rae:** There are landlords now who are attending seminars which have the following titles: How to Get the Highest Rent Increase Possible and How to Sell more Apartment Buildings under Rent Controls. Some of the items on this delightful seminar are: "How to sell a building that has a pending application"; "How to market a building with Capital Expenditures"; "How and why the new legislation contributes to apartment flips." That is what the landlords are doing to the minister's legislation. They are driving a truck through the loopholes in the law.

Is the minister telling us that he is not prepared to close the loophole and finally give tenants the right to refuse unnecessary repairs they cannot afford?

**Hon Mr Sweeney:** What I am suggesting to the honourable leader is that we want to make whatever changes we make in a legal way and in a way that is going to be enforceable in the courts. The second thing I am telling the honourable member is that there has to be a way, a mechanism, of making a determination as to what is necessary and what is not and as to who is

going to make that choice. That is what I am telling him.

#### PROTECTION OF VULNERABLE ADULTS

**Mr Reville:** My question is for the Minister of Health. Last week the operators of Cedar Glen, a boarding home near Orillia, were sentenced to prison terms for systematic abuse of the residents of that home. The residents were psychiatrically disabled or developmentally handicapped or both. Almost all the residents were placed there by the Queen Street Mental Health Centre. Here is what the crown said of the operator, "He had a free reign of terror over these persons and it was a very physical and abusive type of control."

Will the minister now undertake to present to this House options for ensuring that vulnerable people can enjoy a decent quality of life?

**Hon Mrs Caplan:** As the member opposite knows, my priority is and always will be quality of care for people who are in any health facility. He should know that this was not a facility licensed by the Ministry of Health. He should also know that the ministry was and is always concerned by the placement of former psychiatric patients and about the homes they are referred to.

In the summer of 1985, for example, Queen Street Mental Health Centre removed Cedar Glen from the list of acceptable boarding homes to which they referred patients on discharge, and in January 1986 the Queen Street Mental Health Centre reassessed all its former patients living at the home and gave them the opportunity to relocate.

**Mr Reville:** The removal of a home from a list did not prevent the deaths of some of the residents therein. Cedar Glen is just one of the horror stories. In the Niagara region, the press is full of stories about Cross Wind Lodge rest home where it is alleged elderly residents were slapped, verbally abused, poorly fed and left unsupervised all night. Surely the minister is not going to continue to say: "It's not my department. It's not on my floor." That is precisely what the minister said to me in February 1988.

Would the minister agree to refer the matter of housing for people with disabilities and for the elderly to the standing committee on social development for review and recommendation?

**Hon Mrs Caplan:** The member opposite knows that in any appropriate forum I am always prepared to have the kinds of discussions that will lead to reform of long-term care, as the Ministry of Health and the Ministry of Community and Social Services are presently developing. But as

we discuss these issues and what is the appropriate forum for discussion, he should know that the Ministry of Health did not operate any programs at Cedar Glen, nor did it have any financial involvement in these homes. In fact, patients who are discharged from provincial psychiatric hospitals are given referrals to a number of community facilities where they can choose to live.

I say to the member that this is a very unfortunate set of circumstances, but I also say to him that while we share the concern that people have the kinds of options and choices that are appropriate, we must, as he knows, consider as well what is appropriate action.

**Mr Reville:** The absurdity of the minister's response passes understanding here. Her ministry referred these people to this place where they were beaten and where some of them died.

It is not a new problem. Ten years ago I raised this problem with the then Minister of Health, a man named Dennis Timbrell, and his response at that time was not much different from the minister's. He said, "Do you want me to put a leash on these people?" The minister knows how little I like leashes, but surely she sees the need to protect and befriend the most vulnerable people in our society. Will she, either on her own or in conjunction with her colleagues in cabinet, bring forward a thoroughgoing response that will put a stop to the victimization and brutality?

**Hon Mrs Caplan:** I repeat again to the member that there are many challenging issues facing us as we give individuals options and choices when they leave provincial psychiatric facilities. I am very sensitive to and understand the difficulties of individuals having to make those kinds of choices.

The member should know that all homes that are operating boarding homes are under the responsibility of the local municipality as far as their public health standards are concerned. I say to him that we know that is in many cases a difficult situation. We know as well that there is a wide range of these kinds of facilities and that many of them offer the kinds of services that are very acceptable to the people who are living there. He knows as well that as we discuss long-term care reform with the Ministry of Health and the Ministry of Community and Social Services, we will have an opportunity to look at the policies, to determine that as we develop a long-term care system, we will be able to respond to many of these difficult, challenging and often very complex issues.



## USE OF PUBLIC FUNDS

**Mr Brandt:** My question is for the Premier. I want to say by way of introduction to my question that I think all of us in this House recognize the need for promotion, advertising and publicity that has to be carried out on behalf of the province, but during the course of the tour and the trip the Premier took to Davos, Switzerland, it is my understanding that a book was produced that ran only 32 pages and that a limited distribution of that book took place, the cost of which was some \$385,000 just for that book alone. In view of the fact that we have shortages of hospital beds, shortages of classroom space and problems in terms of keeping up with road construction, how can the Premier justify the expenditure of very close to \$500,000 for the production of this book?

**Hon Mr Peterson:** I am just going by memory now, but I am pretty sure the piece to which my honourable friend refers is *Share the Vision*. Is that the piece he refers to? That is being distributed widely around the world in all our trade offices and has been used a great deal. There is a very large edition of that and I commend a copy to my friend for his enlightenment.

**Mr Brandt:** The information does not get any better. There were about 10,000 copies of that book distributed. When we look at the net cost to the taxpayer, it is really very substantial for that kind of material.

Along with the book, there was distribution of a video. The normal cost to produce an industrial video is in the range of \$1,000 to \$2,000 per minute. This particular video was precisely eight and a half minutes long and I want to advise the Premier that it was not \$10,000 or \$100,000 or \$200,000 or even \$500,000, but that in fact his eight-and-a-half minute video cost the taxpayers of this province \$750,000.

Again, I have to ask the Premier, in view of the shortages we have in meeting the financial demands of our schools, our hospitals, the municipalities and road construction, how can we justify well over \$1 million for a book and a video when those costs are so out of line with other comparable activities?

1420

**Hon Mr Peterson:** I cannot confirm my honourable friend's view of the costs. I can check that out. Obviously I will do that, but I think my honourable friend has to understand that those materials are used worldwide through the Ontario trade offices. They are distributed widely in

seminars or investment seminars all over the world. We are extolling the virtues of this province. The video has been used on many occasions around the world in places where I participated in investment seminars and other such things.

To the best of my knowledge, they were competitively produced and I think show off this province in its proper way. I do not think my honourable friend, and I can check, would be upset about the cost of these promotional materials compared to the costs of advertising when my honourable friend used to be a minister of the crown.

**Mr Brandt:** I want the Premier to know I am trying to be helpful here in pointing out an expenditure that I feel is unwarranted. Let me give the Premier some comparisons.

The film *Jesus of Montreal*, which was a winner at the Cannes film festival, cost \$4.2 million or \$42,000 a minute. Another Canadian film that is recognized throughout the world as one of the best produced Canadian films, one entitled *I Heard the Mermaids Singing*, cost \$350,000 or about \$3,500 a minute.

The video I have just referred to, produced under the Premier's government, cost over \$88,000 a minute to produce the eight and a half minutes and I doubt very much whether that film will win any awards such as the others I have referred to. Those items alone come to a total cost of \$1.1 million. Will the Premier investigate this outrageous expenditure of over \$1 million of taxpayers' money?

**Hon Mr Peterson:** My honourable friend is the one who is always standing in this House telling me that we should promote Ontario more. He has told me in this House that we should travel more to sell the virtues of this great province. I can tell my honourable friend that we are taking his advice and are indeed putting a good face on Ontario. Yes, there was a full presentation in Davos and I can tell my honourable friend it is paying dividends for Ontario. I am surprised at my honourable friend. He must be running out of questions. I am sure that whatever was done was done competitively and appropriately.

**The Speaker:** New question, the member for Nipissing.

**Mr Harris:** I suggest to the Premier that if anybody wants to know the most expensive way to do anything, they need only look at him and his administration.

## RENOVATIONS TO APARTMENT BUILDINGS

**Mr Harris:** I have a question for the Minister of Housing which relates to the court injunction and it has been brought up by the Leader of the Opposition (Mr B. Rae) with the building at 221 Balliol Street to prevent the use of so-called unnecessary repairs.

It has been estimated that the decision could affect in excess of 100 buildings in Metropolitan Toronto alone. I wrote to the minister some six weeks ago to ask him what he was going to do about the uncertainty for landlords and what he was going to do about the uncertainty for tenants. If I understood his answer today to the Leader of the Opposition, he indicated he is going to wait another year or two to see what the courts decide by way of an appeal.

That is not good enough for either the tenants or the landlords. I would ask the minister, given the notice that he has had, what is he doing to help resolve this situation so that both sides can understand a little better what they can do and not do?

**Hon Mr Sweeney:** I do not believe I suggested we were going to wait for two years until the courts decide. I was simply pointing out to the leader that we were advised that the landlord's lawyer had indicated they were going to appeal. That was simply a fact.

The second point I have made, and I would repeat once again, is that as of several weeks ago, the staff in my ministry had been asked to review ways in which we might make some changes here. I come back again to the same difficulty. Who makes the decision between necessary and unnecessary? What about renovations that are necessary at one site but not necessary at another site? We are looking at that.

I also remind the honourable member that the judge's decision in this case was under the landlord and tenant legislation, not under the rent review legislation, although there is an obvious impact.

**Mr Harris:** According to the minister's act, Bill 51, part II, subsection 11(d), it states that the minister must establish a committee this year to review and make recommendations on certain aspects of the rent review system. I ask the minister if as minister he has done that yet, given that 1989 is fast drawing to a close. If he has, do they have a mandate to look at this aspect of the rent review legislation?

**Hon Mr Sweeney:** There were two elements in that legislation, which are affectionately

referred to as RCCI and BOCI, and they are the factors that are used to determine the benchmark increase from year to year. The decision was made in 1986 by both the landlords and tenants who made input into this legislation that nobody was really sure how this was going to work and that by 1989 it had to be reviewed. Yes, we have begun the internal process within the ministry to set up a review of those two elements within the legislation.

**Mr Harris:** Let me suggest to the minister that if there were any doubts early on when this piece of legislation that was brought forward, there appears now to be absolutely no doubt in the minds of virtually every landlord in the province, in the minds of virtually every tenant and tenant organization in the province, and I suggest in the minds of at least 129 members of this chamber. The legislation is not only costing the government \$40 million a year; it is costing two, three or four times that in courts, lawyers and fees to try to interpret and understand it. The legislation in fact is not working.

Will the minister stand in his place today and acknowledge that the rent review legislation not only is wasting perhaps billions of dollars but in fact is not working? What is he going to do about it?

**Hon Mr Sweeney:** I would not be prepared to go quite as far as the honourable member.

First, I point out to him that on average only 10 per cent of landlords come to rent review annually and that 90 per cent resolve their rental issues without rent review. That is fairly significant.

Second, I point out that something like about 19 per cent of the first group goes to appeal. That is one out of five, which suggests the system is working reasonably well.

Third, I point out to him that while there was a backlog of approximately 27,000 a year ago, that is down now to about 10,000 or even a little fewer. Given that at any one point in time, with the best system, you would have about 3,000 in the works anyway, we are looking at a backlog of between 6,000 and 7,000. I suggest that the system is working reasonably well.

## POLICE PURSUITS

**Mr Kormos:** I have a question of the Solicitor General. The Ontario government established a Special Committee on Police Pursuits back in 1984 and the report, with some very good recommendations, has been available since December 1985. Similar recommendations have been made by coroner's juries. The government



has been warned time and time again, yet the Solicitor General, like his predecessors the member for London South (Mrs E. J. Smith) and the member for Kingston and The Islands (Mr Keyes), does nothing. There is pathetic promise after pathetic promise to produce guidelines for police pursuits, yet none of those promises is kept and more people are being killed and injured precisely because of that inaction.

My question to the Solicitor General is, just how ineffective does he plan on continuing to be?

**Hon Mr Offer:** I would like to indicate that I am currently in the final stages of decision on province-wide police pursuit guidelines. I think it is important to indicate that the fundamental purpose and issue within those guidelines will be public safety. It is important to indicate that when one talks about public safety as being the fundamental issue, it is not, in the balance, public safety on one hand against law enforcement on the other. For me, the issue of public safety is public safety in continuing or initiating a pursuit, against public safety against initiating or continuing the pursuit.

That is important for me. That is the fundamental aspect for the police pursuit guidelines which I expect to announce in the very near future.

**1430**

**Mr Kormos:** It is the same old record being played over and over and over again. The promises have been made before. Just this weekend a 16-year-old has been added to the list of those killed. More and more innocent people are being maimed while the Solicitor General and his predecessors dither and do not deal with the issue. The cost of property damage is surely in the millions of dollars, the body count continues to grow, the minister continues to make hollow promises and people continue to die.

How many more people are going to be killed or maimed before he establishes those guidelines?

**Hon Mr Offer:** In dealing with guidelines, we have to be very clear that we should not limit ourselves just to guidelines, that there are aspects dealing with police pursuits which are very important, which I am addressing my mind to and which are in the final stages of decision.

I will give the member an example. We have to, and are, taking a look at the type of training that is given to recruits around the whole issue of police pursuits. We are also taking a look at the issue of retraining.

So guidelines, yes, are very important; yes, I am working on them and, yes, I am in the final

stages prior to decision. But I want to make it very clear that police pursuit guidelines in and of themselves are one aspect which comprises how best we can serve the public, how best we can forward public safety. I am working towards that, not only with police pursuit guidelines but also in the broader range of training and retraining.

**The Speaker:** Before I recognize the next questioner, earlier today I reminded all members that they should refer to other members of the House by their riding, by their ministry, not their surname, not their given name. I hope all members will remember that.

### PSYCHIATRIC NURSES

**Mr Eves:** I have a question of the Minister of Health. As I am sure the minister is aware, Ontario Public Service Employees Union, representing nurses who work in mental health institutions, released a report last week, on 1 November, which shows a very severe shortage of psychiatric nurses in the province of Ontario.

They gave a few examples, such as the Queen Street Mental Health Centre, which has had a vacancy of 37 psychiatric nurses since May; one third of the 95 registered nursing positions at Lakehead Psychiatric Hospital in Thunder Bay have been open and unfilled since March of this year. It also showed a very high incidence of violence against nurses by patients in these institutions; 220 cases so far this year in the Queen Street Mental Health Centre alone and over 350 last year.

What action is the minister taking to specifically address the concerns of psych nurses in the province?

**Hon Mrs Caplan:** I want to thank the member opposite for raising this issue. I think he knows that I understand not only what nurses are saying, but what nurses are feeling. Provincial psychiatric nurses serving admirably in often very stressful conditions in our provincial psychiatric hospitals are important partners in the delivery of health services in this province. To that end, the psychiatric hospitals branch has set up a committee to ensure that the spirit of the regulations which I recently brought forward under the Public Hospitals Act also apply to the provincial psychiatric hospitals and that those are being actively implemented at this present time.

As he knows, I recently announced a five-year, \$15-million initiative in order to attract nurses to areas where there are high vacancy rates and also to improve attitudes and participation among nurses and towards nurses. I would say to

him very clearly in this House that nurses working in the provincial psychiatric hospital system will be eligible for the initiatives which I announced last week.

**Mr Eves:** We appreciate, I suppose, that the regulation the minister made under the Public Hospitals Act was a step in the right direction, even if she did not see that it was fulfilled by her self-imposed deadline of 30 September. But these nurses have specific concerns. A joint ministry-union review of working conditions for psych nurses was released to her ministry in 1986-87 and that review, similar to the one that was just done, found that staff levels were inadequate, that they were reaching the breaking point with stress levels, exhaustion and burnout, and a high vacancy rate.

Why has her ministry done nothing before now to address those specific concerns of psych nurses. Here is one incident where, paid through OPSEU, she can directly affect the amount of money that these nurses receive. What specific steps is she taking?

**Hon Mrs Caplan:** As the member knows, OPSEU negotiates directly with the government through the Chairman of Management Board (Mr Elston) and through the government directly. However, he should know as well that the Ministry of Health psychiatric hospitals branch, through each of the provincial psychiatric hospitals, has an active employer-employee relations committee that deals with, among other things, issues such as health and safety issues. These committees are actively working and we are, as our initiatives move forward, seeing that we are having some successes.

I can say to the member that 10 registered nurses have been recruited, for example, since May for our provincial psychiatric hospitals. I want the member to be assured as well that the ministry will be reviewing the report that OPSEU has brought forward, and we are always trying to improve both working conditions and relations with employees in all of the province's psychiatric hospitals.

#### RENOVATIONS TO APARTMENT BUILDINGS

**Ms Poole:** My question is for the Minister of Housing. Last Monday in the House I asked the minister to consider an amendment to rent review regulations to deal with unnecessary renovations and repairs. My proposed amendment stated that the only capital expenses allowed to a landlord would be those necessary to the proper maintenance

of the premises in a good state of repair unless the tenants consented otherwise.

Could the minister please elaborate on his earlier comments to the Leader of the Opposition (Mr B. Rae) that my proposed amendment would be ultra vires under the law, so that we can either work to tighten it up or begin to work on another alternative?

**Hon Mr Sweeney:** I want to congratulate the honourable member for Eglinton for taking the initiative to bring the amendment before the House and before me. It is a lot more helpful when someone suggests a solution to a problem rather than just making an expression of the problem. I had indicated to my colleague when she did present the amendment that I would have my staff review it. That has been done for the past four or five days.

The legal opinion within my office at the present time is that the way in which the amendment was worded would, in fact, be ultra vires the legislation and would probably be struck down by the court. That, of course, is an opinion; that is not a fact. What I then asked my staff to do was to see whether or not it could be worded in a different way to achieve a similar result. They are looking at that, and as soon as something comes forward I will notify the member right away.

**Ms Poole:** I do appreciate the minister's sensitivity to this issue, and I think the one thing we are all in consensus on is the fact that something needs to be done. I have come up with yet another idea. I wonder if it would be possible to consider listing the various repairs which would, under normal usage, be considered necessary, and giving the rent review administrator the discretion to decide whether, in each individual case, these were actually necessary repairs.

**Hon Mr Sweeney:** The difficulty that my staff and I are struggling with right at the moment is that such a decision would obviously have to be done prior to coming before rent review. It would be difficult, if not impossible, to make a decision as to whether something was necessary or not, in fact, after it is done. Someone would have to review the situation, would probably have to go right into the unit and look to see whether or not the replacement of a washroom sink was necessary. In some cases, I think the honourable member would agree, it might be, and in other cases it might not be; it might be just cosmetic.

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That is the first issue. The second one is, if we cannot do it under the rent review legislation,



what are the other possibilities. One of the things we are looking at is the existing Residential Rental Standards Board which assists municipalities to enforce their health and safety regulations with respect to necessary repairs in buildings. Is it possible that they could make some distinctions between necessary and unnecessary repairs? Whether that would be an appropriate body to make the distinction and—

**The Speaker:** Thank you. It seems like a fairly full answer. New question, the member for Riverdale (Mr Reville)

#### ABORTION SERVICES

**Mr Reville:** My question is to the Minister of Health. Would the minister tell the House what her view is of the federal abortion legislation?

**Hon Mrs Caplan:** I am pleased to say to the member opposite that Ontario will, of course, comply with any legislation which is duly passed in the federal Parliament.

**Mr Reville:** Perhaps I can afford a clue to the minister's view.

**Mr Ballinger:** Why don't you tell us your opinion, Dave?

**Mr Reville:** Mr Ballinger, when I am over there as Minister of Health, I would be glad to give you my opinion.

The clue that I would like to provide to the House is that the minister is promoting legislation as we speak—Bill 47—which will in fact on the day of its passage close an abortion clinic in downtown Toronto which is currently performing 2,000 abortion procedures a year. Will the minister deny that, or is the minister prepared to take a look at her legislation to make sure that degree of access is not removed from the women of Ontario?

**Hon Mrs Caplan:** As the member opposite knows, this government and myself personally are committed to ensuring that the people of this province have access to the services that they need in a timely and sensitive manner and that we are moving forward always to improve access to all of the services in this province. The Independent Health Facilities Act is but one of the vehicles which will allow us to respond to new technologies, which will allow us to ensure that we plan, appropriately fund and have access to services in communities right across this province as technologies evolve allowing us to provide more services outside of hospital and ensuring that they are in a quality-assured environment.

#### CHILD CARE

**Mrs Cunningham:** My question is to the Minister of Community and Social Services. Private day care operators are facing a serious dilemma: how to keep the qualified staff they have been able to attract. Basically, due to the problem with the distribution of salaries and the fact that the salaries paid to the nonprofit sector are somewhat higher given the fact that they have achieved the total amount of the direct operating grants as forwarded by him ministry, does the minister plan to provide the private day care operators with direct operating grants which equal those to the nonprofit sector?

**Hon Mr Beer:** As my colleague knows, we provide 50 per cent grants because of the sharing that is done under the existing arrangements with the federal government. Our priority has been, with the funding that we have, to put emphasis on the nonprofit sector, but we have provided the equivalent of our share for the private operations because we recognize that we want to keep those spaces operating within Ontario.

At the recent federal-provincial meeting of ministers, I and my colleagues from the other provinces questioned the federal minister as to what initiatives the federal government would be taking in the broad area of child care. At the present time, the approach that we are taking will continue, and we would strongly encourage the federal minister to look at new initiatives the federal government could take which would help us in providing broader access to child care.

**Mrs Cunningham:** I think the intent of the flow of the provincial share of operating grants to commercial centres was made very clear over a year ago and to depend on the federal government at this point in time to support quality child care, which is a necessity and a real need in the province of Ontario, is absconding with the responsibility of the provincial government.

We all know that the real criticism is a lack of spaces, a lack of good-quality subsidized spaces, a lack of spaces on their own. We really need to know exactly when the province will be dealing with this issue, because one cannot expect the public sector to be training good people only to see them go to nonprofit centres. It is a very frustrating way to provide not even enough spaces in the province of Ontario. When will the minister deal with it?

**Hon Mr Beer:** I think, in terms of the commitment this government has made over the last number of years, increasing the funding for the broad child care sector from some \$88 million

to \$342 million, we have more than doubled the subsidized spaces that are now in the system from somewhere around 20,000 to over 40,000 and we went ahead on our own, out of concern for those spaces, to provide our share of the dollars in terms of the private day care.

But our focus continues to be on the development of the nonprofit sector. We are in the process right now of developing our proposals for the second three-year cycle and I hope to be able, before too long, to enter into discussions with all honourable members about the direction and thrust of our next three-year cycle. I would underline again that there were many expectations created by the federal proposal of a year ago and we would encourage the federal government to return to the table and to discuss what its intentions are in the year ahead.

#### REGISTRY OF BONE MARROW DONORS

**Mr Neumann:** My question is for the Minister of Health. I know she is well aware of the stress experienced by individuals and their families when a bone marrow transplant is necessary. It is often difficult to find a donor for this procedure. This can be so important for patients facing a life-threatening disease.

I understand that a national registry for bone marrow donors is in the process of being established. Would the minister indicate Ontario's participation in this project and describe how the registry will operate?

**Hon Mrs Caplan:** I want to acknowledge the interest of the member for Brantford. I am sensitive to and I acknowledge the anxiety and stress of patients and families when they are seeking a donor for a bone marrow transplant. The Ontario government is contributing more than one third of the costs, or about \$890,000, for the development of an unrelated bone marrow registry. The remainder of the \$2.5-million developmental costs will be shared by the other provinces. The registry will be national in scope and will be operated by the Canadian Red Cross Society.

**Mr Neumann:** It is obvious that such an undertaking will take some time to become fully operational. However, it is important that this information be available to people requiring bone marrow transplants as soon as possible. Time is of the essence.

When will Ontario residents be able to access the national registry for bone marrow donors?

**Hon Mrs Caplan:** I would say to the member, and I know of his concern and share his concern, that work is actively under way. We anticipate,

however, that it could take up to three years to fully develop the registry, which will be co-ordinated through the Vancouver centre of the Red Cross. The registry will list available donors for bone marrow, treating life-threatening diseases such as leukaemia. I hope that the national registry will enable more successful matches of unrelated donors and that people will be brought together with the patients as quickly as possible.

#### EMPLOYMENT ADJUSTMENT

**Mr Allen:** I have a question for the Minister of Labour. The minister will remember that, after many months of hesitation in his ministry, the ministry concluded an agreement with the federal government to go in under the program for older worker adjustment in July. Plants continue to close in my community and across the province, older workers continue to be laid off in significant numbers and yet, four months later, there are no announcements and apparently no implementation plans. The public is not hearing a word about this particular program and what the minister plans to do with it.

How are Ontario's older workers supposed to know whether they are eligible, if there is a program and what they should do to get in on it, if the minister does not take some action and publicize it?

1450

**Hon Mr Phillips:** I think it is fair to say that in each case when a plant closes, our ministry is involved in it. We know any plant closure that involves 50 or more employees. In every one of those cases, our employment adjustment branch is involved in it. In each case where we are involved, we would let them know about what we call POWA. We now have approval to set up the necessary staffing of it, approval for the necessary funding. The federal government has appointed its appointees to that committee. We have appointed our appointees to that committee. So I would be very surprised if any plant that has experienced a closure involving 50 or more employees was not aware of the program and of how to access the program.

**Mr Allen:** The minister raised the question of the employment adjustment service. It is a branch in his ministry. My information is that no more than one third of the plant closures under legislation in Ontario actually inform and access the services of the employment adjustment branch. And yet, if POWA means an increased level of activity in the field of adjustment, it is obvious that there should be much more going on than that.



For example, will the minister put it in legislation that employers who are involved in plant closure and major layoffs must work with the employment adjustment service, and will he provide the employment adjustment branch, which is a very minuscule operation none the less having a couple of talented employees, with the resources to do that job?

**Hon Mr Phillips:** In terms of the staffing required to do the job on POWA, the member may not be aware that we have four staff who will be involved specifically in POWA.

The second thing is that we want to work co-operatively with the employers and the employees. We do not want to impose our services if the employees and the employers do not want us involved. What we have said is that, in terms of employment adjustment, we seek the co-operation of the two groups involved in it.

First, we have four employees designated to work on POWA and, where the employees and the employers want us involved in a co-operative fashion, that of course is where we are most effective.

#### ROUGE VALLEY

**Mrs Marland:** My question is for the Minister of the Environment. On 17 October, my colleague the leader of the Progressive Conservative Party tried, as I have been trying for almost two years now, to obtain a firm promise from the Premier (Mr Peterson) concerning the preservation of the Rouge Valley against encroaching development for housing, transportation and waste disposal purposes. As usual, the Premier put off any responsible commitment with the excuse that his government is doing a study to define what the Rouge is.

I would like to ask the minister, given that other potential landfill sites have been identified, given that an alternative to the east Metro transportation corridor has been identified along regional road 23, given that expansion of the TTC and GO train services will accommodate much of the expected traffic flow increases and that many other sites are available for housing that do not contain century-old forests, significant wetlands and—

**The Speaker:** Order. Hopefully, there is a question there somewhere.

**Hon Mr Bradley:** I heard a question in there. I think I heard a question from the member and I heard the question before. She can tell me in the supplementary if I interpreted it wrongly.

I can assure the member that all members of this government are interested in preserving the

area known as the Rouge and that all of the studies that have gone on over the past period of time and are ongoing are to define the specific areas and the specific future for the Rouge.

There is a good deal of interest in preserving the area because I, for instance, and I know other ministers, have walked through it with the Save the Rouge Valley System people. I think we recognize the importance of it. The former Minister of Natural Resources, through his ministry, acquired a good deal of the land and indicated an interest in purchasing more land in the area.

I think the member can rest assured that, as we have said all along, there will be a very strong preservationist streak in that area. We will be preserving as much of that area as possible. We want to see how far north, for instance, people believe it should be saved, and David Crombie was helpful in some of his suggestions. We are looking at all of that, and I think the member will be pleased when she sees the decision that is rendered by this government.

**Mrs Marland:** We are actually fed up with this government's stalling tactics. The time for action is now. The federal government has offered the province \$10 million of assistance towards turning the Rouge into a provincial park or an ecological preserve. It has been over a year since that offer was made by the federal government and still this Liberal government says it has to study the Rouge.

The government now owns 89 per cent of the Rouge lands. The government holds the key to the preservation of the Rouge. I ask the minister, when will this government accept its responsibility for the Rouge's future and ensure that the Rouge cannot be used for a landfill site, housing or a transportation corridor? When will we get a straight commitment from the minister to preserve the Rouge Valley by turning it into a park—

**The Speaker:** Order. You have asked two supplementaries.

**Hon Mr Bradley:** I believe that the Premier has given that assurance on a number of occasions. Despite the fact that the member attempts on many occasions to suggest that this is not the case, the Premier has consistently said this. We recognize that the potential costs are great. Our government has incurred a lot of costs at the present time that we think are a good investment in the future. We also know that there will be further costs.

The \$10 million to which the member makes reference, of course, is peanuts compared to what the full cost will be in there and is simply a

way for the federal government to try to get some political credit. We all know what they were up to when they did that. But we have to talk about every possible aspect of that, not just preserving the area that people talk about as the Rouge Valley itself; for instance, what other areas should be preserved? What should be the future uses? Should it all be passive? Are there any recreational uses that are not quite passive that might be possible?

We have to look back at the policies developed by those people over there when they were in government. We have to look back and say that they pointed to a road going through this area. We have to look back and say that those people—

Interjections.

**The Speaker:** Order. I must remind members these are questions and responses; it is not debating time.

### CONSERVATION AUTHORITIES

**Miss Roberts:** My question is to the Minister of Natural Resources. In my county there are four different conservation authorities. They have done excellent work on watershed conservation and dealing with resource management for a number of years. Since the release of the report A Review of the Conservation Authorities Program last year, there has been widespread consultation between the province, individual conservation authorities, municipalities and provincial organizations. The member for Durham-York (Mr Ballinger) went around the province for approximately nine months. Can the minister tell us just exactly the status of the report and what is happening?

**Hon Mrs McLeod:** I think the honourable member quite appropriately recognizes the very real value of the work that the conservation authorities across the province have done, and also chronicles what has been quite an extensive review of the conservation authorities' mandate and structure, both through that interministerial committee and subsequently with the joint committee that was chaired by the former parliamentary assistant to the Minister of Natural Resources. That report has been made to the minister. I have it under very active review.

**Miss Roberts:** I appreciate the minister's answer, but my authorities are now looking at budgeting and programs for next year. Can she inform the House when some decision will be made upon this review and will it be soon?

**Hon Mrs McLeod:** I felt it was important for me as a new Minister of Natural Resources to

have an opportunity to meet with the people who had been so very directly involved in the consultation process and ensure that I understood their concerns and perspectives. I have had a meeting very recently with representatives of the Association of Municipalities of Ontario and with representatives of the Association of Conservation Authorities of Ontario. I feel as though we had a good discussion about the proposals. We are now finalizing our responses, and I expect to be able to bring recommendations through very shortly.

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### LIQUOR STORES

**Miss Martel:** I have a question for the Minister of Consumer and Commercial Relations. The minister will have received several resolutions from communities in my riding which are concerned that their D-type government liquor stores are going to be replaced by agency stores. These communities are extremely concerned because they fought long and hard to get the service in the first place. The agency stores are not going to provide any better service; in fact, if the D-type stores are replaced with agency stores, there is going to be a significant loss of employment in northern Ontario.

Since the chairman of the Liquor Control Board of Ontario could not give me a definite answer on his intentions in this regard, I would like to ask the minister what the government intentions are concerning this matter.

**Hon Mr Sorbara:** I am very glad to have a question from the member for Sudbury East. It has been a long time. I am very glad she is concerned about employment, not only in the Sudbury community but also right around the north. Let me just explain to her that a determination as to whether or not any particular community will be served by an agency store or what we call a D-category store, which is the smallest of the LCBO stores, is one which would be within the overall management mandate of the LCBO.

I want to tell her, though, that through my conversations with the chairman of the LCBO there is no particular program in place right now to replace what we call D stores with agency stores, which members know are stores that sell on behalf of the LCBO—a grocery store, for example, that might also sell a variety of liquor or spirits, beer and wine.

I should also say that I have had the opportunity to meet with the president of the union of liquor employees and have had discus-



sions with him. I assured him as I assure now the member for Sudbury East that within the board our sensitivity to the concerns of employees who might be changing jobs is paramount, at least from my perspective and I think from the board's.

**Miss Martel:** I appreciate the minister's concern in that he has had this discussion. However, I am a little bit more concerned about what has already happened in Field, for example. In that case the manager of the LCBO requested a transfer back to Peterborough where he had originally come from. He was, in fact, sent back to Peterborough. The LCBO did not go in and replace his position and in fact told town council quite specifically that it would have an agency store or no service at all. So, of course, the township took the service of the agency store because they wanted to have something at least in place in the community.

I would like to ask the minister again, is he giving a firm commitment in this House today to the liquor board union and to residents in northern Ontario that no government D-type stores will be replaced by agency stores?

**Hon Mr Sorbara:** If my friend the member for Sudbury East had cared to listen to my response to her first question she would have heard me say that a determination of that sort is made by the board and not by the minister, and I think that is appropriately so. But if she will listen, I will tell her that a determination in any particular case is based on a number of things including what is best for the community, what is the best way to service that community and also what is the most efficient way of serving that community.

Obviously, we do not maintain any particular type of store simply because that is the way we have done it in the past. The liquor board has an obligation to be efficient in its operation and to exercise on behalf of the people of this province a socially responsible manner of distributing and retailing beverage alcohol in the province. When you put those two mandates together and apply them in any particular community, sometimes the answer is an agency store and sometimes the answer is a much different form of marketing, and that is what we will do community by community right around the province.

Interjections.

**The Speaker:** Order. Perhaps the member for Etobicoke-Rexdale (Mr Philip) would allow the member for Stormont, Dundas and Glengarry to ask a question.

## FARMERS' RETIREMENT LOTS LOTISSEMENTS POUR FERMIERIS À LA RETRAITE

**Mr Villeneuve:** My question is to the Minister without Portfolio responsible for senior citizens' affairs. A farmer in my riding is selling his farm to his sons and in so doing has applied for a retirement lot. The Ministry of Agriculture and Food has advised him that if he were to work on or off the farm he would be breaching the food land guidelines. The minister is in charge of senior citizens' affairs and is doing a good job. Does he agree with this recommendation?

**Hon Mr Morin:** I want to thank my honourable colleague the member for Stormont, Dundas and Glengarry. As I know he understands French very well and this is the first opportunity which is given to me to speak in French, perhaps he will permit me to answer him in French.

Le problème que le député a soulevé est évidemment un problème qui touche plusieurs personnes, plusieurs citoyens âgés. J'ai eu l'occasion tout récemment de discuter avec le ministre de l'Agriculture et de l'Alimentation (M. Ramsay) et de connaître son opinion à ce sujet. C'est un problème qui est tellement complexe, qui a une telle portée à long terme, que je désire sincèrement que le député lui repose cette même question. C'est un domaine qui m'intéresse évidemment, mais il n'y a pas encore de réponses affirmatives.

In the meantime, I would prefer that he direct this question to the Minister of Agriculture and Food (Mr Ramsay), and perhaps he will have a more positive answer than I am giving him at this time.

**The Speaker:** A fairly lengthy answer. I do not think that was a request to refer it. I will have to ask you to give the minister a supplementary.

**M. Villeneuve :** J'apprécie la situation qui tracasse le ministre dans le moment, mais par contre, on a une situation qui se contredit. Le ministère de l'Agriculture et de l'Alimentation dit à nos cultivateurs qui sont prêts à prendre leur retraite : « On vous défend de travailler sur la ferme, ou en dehors de la ferme, si on vous alloue la création d'un lot pour votre retraite. »

This is a terrible situation, because the minister is in charge of senior citizens' affairs, their wellbeing and their keeping busy. Another ministry within this government is now saying, "We forbid you to work on the farm that you formerly owned or to work off the farm." That is a terrible thing.

**The Speaker: Question?**

**Mr Villeneuve:** I have written to the Minister of Agriculture and Food. I am awaiting a reply. I would like the member's comments on that.

**Hon Mr Morin:** I am glad the member recognizes there is a problem. I am telling him that I realize there is a problem, there is a concern, but again, it is a complex, complicated issue and—comment dit-on?—les retombées will be quite serious. I would ask the honourable member to give me some time, again, to discuss the issue with my colleague the Minister of Agriculture and Food, and in due time he should have at least some form of answer.

**PETITIONS****COMMUNITY COLLEGE TEACHERS'  
LABOUR DISPUTE**

**Mrs Marland:** I have a petition addressed to the Honourable the Lieutenant Governor and the government of Ontario. I will read the petition very carefully, because the wording is very significant:

"We are a special group of students who arrived for good to Canada a few months ago. More of us are educated people. We have only a problem with expression in English language and we cannot make the most of our knowledge. We have gotten ESL course. This is only 24 weeks' course. When we will lose at least three or four weeks, the course's program will be not realized and we cannot start to normal life. We ask you to come to a successful understanding as soon as possible."

I submit this on behalf of the English-as-a-second-language students at Sheridan College, and it pertains obviously to the community colleges' strike.

**MOOSE TAG LOTTERY**

**Mr Kozyra:** I present this petition on behalf of the member for Cochrane North (Mr Fontaine). It reads:

"We, the undersigned, request that the Minister of Natural Resources make the following changes to the 1990 moose selective harvest program to permit the establishment of a fairer system for all moose hunters:

"The lottery system should allow all moose hunters to enter their names for the draw without requiring them to purchase a licence first. Licences should only be purchased after the tags have been allocated by the draw."

It is a petition with 231 names, and I have signed the petition.

**1510****FRENCH-LANGUAGE SERVICES**

**Mr Faubert:** I have a petition addressed to to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario requesting the Legislature to repeal the French Language Services Act, 1986.

This petition is signed by some 36 residents of Ontario and I am presenting this on behalf of these constituents of my riding. I have appended my signature thereto, as required to do so by the standing orders, in order to present this petition and for no other reason.

**REPORT BY COMMITTEE****STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

Mr Mahoney from the standing committee on finance and economic affairs presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 18, An Act to amend the Ontario Municipal Improvement Corporation Act.

Motion agreed to.

Bill ordered for committee of the whole House.

Your committee begs to report the following bill with certain amendments:

Bill 20, An Act to provide for the Payment of Development Charges.

Motion agreed to.

Bill ordered for committee of the whole House.

**INTRODUCTION OF BILLS****STATUTES REVISION ACT, 1989****LOI DE 1989 SUR LA REFONTE DES LOIS**

Mr Scott moved first reading of Bill 74, An Act to provide for the Consolidation and Revision of the Statutes of Ontario.

M. Scott propose la première lecture du projet de loi 74, Loi prévoyant la codification et la refonte des lois de l'Ontario.

**The Speaker:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

La motion est adoptée.



## REGULATIONS REVISION ACT, 1989

LOI DE 1989 SUR LA REFONTE DES  
RÈGLEMENTS

Hon Mr Scott moved first reading of Bill 75, An Act to provide for the Consolidation and Revision of the Regulations of Ontario.

M. Scott propose la première lecture du projet de loi 75, Loi prévoyant la codification et la refonte des règlements de l'Ontario.

Motion agreed to.

La motion est adoptée.

## ELECTION AMENDMENT ACT, 1989

Mr Cousens moved first reading of Bill 76, An Act to amend the Election Act, 1984.

Motion agreed to.

**The Speaker:** The member may have a brief explanation.

**Mr Cousens:** I do, indeed. It is a bill that I have tabled before in this House that could make it possible for people in the armed forces to vote on election day in Ontario by having the six-month residency waived for people in the armed forces and their families who, in the line of duty for our country, may be out of the country and therefore, because of their residency status, are not allowed to vote in Ontario elections. Now that we are wearing our poppies at this time of year, it is a time to consider the role of our armed forces in the electoral process.

INTERNATIONAL DEVELOPMENT ACT,  
1989

Mr D. S. Cooke, on behalf of Mr R. F. Johnston, moved first reading of Bill 77, An Act respecting International Development.

Motion agreed to.

## ORDERS OF THE DAY

PUBLIC SERVICE PENSION ACT, 1989  
(continued)

Resuming the adjourned debate on the motion for second reading of Bill 36, An Act to revise the Public Service Superannuation Act.

**The Speaker:** I understand the member for Sault Ste Marie had made some comments and may wish to continue.

**Mr Morin-Strom:** I appreciate the opportunity to add a few additional comments to the opening remarks that I made last Thursday afternoon on Bill 36.

This bill is an important initiative with respect to public service pension plans in the province of

Ontario. Unfortunately, it is an initiative that does not address the major concern of public servants across the province and does not provide to them the opportunity to be able to have a say in their pension plan, whether through negotiating pension plans into the future or with respect to investment policy on the plans.

This is a subject which has been looked at by a number of interested parties, and in particular, the government has commissioned a number of private studies of the financing of the public service pension plan in the province of Ontario, and certainly very serious deficiencies with respect to those pension plans have been uncovered time after time. Unfortunately, the government has not had the will to act on those deficiencies and this act surely does not go as far as we would like to see.

If one looks at the explanatory notes introducing the bill, it says, "The bill will continue the existing pension plan established under the Public Service Superannuation Act (which contain the basic pension plan) and the Superannuation Adjustment Benefits Act (which requires inflation adjustments for benefits payable under the basic plan)."

"Changes will be made respecting who is eligible to become a member of the plan, the level of contributions required under the plan and certain rules governing pension transfers and the purchase of credit under the plan. Certain provisions of the pension plan (concerning entitlement to benefits and administration of the plan) will be changed to meet the requirements of the Pension Benefits Act, 1987. Additional technical changes" will be made with respect to the administration of the plan.

This, in effect, is not a major initiative with respect to the overhauling of the operation of the public pension plans in the province of Ontario. In fact, many of the provisions of this are simply to bring this plan into line with actions which have already taken place in the Pension Benefits Act, 1987, which superseded certain provisions with respect to such factors as portability of the plan benefits if one changes jobs, either leaving the government for a position which would be covered by another pension plan or coming into the government. As well, the vesting of the plans, of course, by the Pension Benefits Act, 1987 now occurs after two years rather than 10 years, which had been previously the case.

## 1520

So those initiatives, which were important initiatives in the Pension Benefits Act, 1987 and did provide some assistance towards portability

and vesting of pension plans, have already taken force and were the result of actions included in the accord agreement between the Liberals and the New Democratic Party during the previous minority government.

This act is getting into line, in certain respects, with that act, but in terms of positive adjustments and positive improvements, either to the pension benefits or the management of the plan, they are not addressed at all in this new act, Bill 36.

This act does attempt to bring in line the public service superannuation fund with the Pension Benefits Act, which was passed over two years ago. Under this act, there are some additional employees of the government of Ontario who will have the opportunity to be eligible for pension plans for the first time. So there are some minor benefits to contract employees and unclassified part-timers, who will now have the option, at least, of joining the public service pension plan. However, the terms of joining that plan are certainly not favourable in many cases, and when one looks at, particularly, part-timers, the option will not provide them with the opportunity for a pension plan which would be substantive in nature and enable them to actually be able to plan and provide for their families in the years to come.

The legislation allows for pension transfers into the plan for any past pensionable service, whether in the public or private sector. However, this, in fact, only formalizes what had already been legislated permissible under the Pension Benefits Act. The ringer in this move is the fact that the terms of the transfer of service credits and the cost to the employee to be able to obtain pension credit for that previous service is regressive in comparison with the previous provisions. The employees will have to pay for services based on their wage levels today, not based on the amount that the pension service would have cost at the time the employees were either in their previous occupation nor what the cost would have been to current employees in the public service at the time those pension credits would have been earned in the past.

At the same time, the government is expecting employees to be able to exercise this option and amortize all the payments over a period of five years, while previously they had been given the option of amortizing those costs of buying back that additional service at a period of up to 10 years. That will create tremendous additional hardship for many government employees who will not have the funds available in terms of the wage levels they are earning and in terms of what

they would have to take away from their families in order to be able to purchase those pension credits. That certainly is an action by this government which is not in the interests of the employees of this province.

The legislation, as it has been written, is going to require all pension plan members to pay an additional one per cent of their salary on top of the seven per cent that they are already contributing to their public service pension plan. There is no improvement in terms of the basic benefits or the terms of the pension plan which will result in better pensions for the public service employees. This is, pure and simple, a slash of one per cent of the wages of all public servants of the province of Ontario, with no tangible benefits to them at all.

One has to question how a government can unilaterally and arbitrarily ask its employees to give up one per cent of their wages this year and for years to come until they reach pensionable age in order to get no improvement whatsoever to their pension plan. The pension plan does provide indexing and has provided indexing to the CPI, with an eight per cent cap. However, that eight per cent cap is a limit on the amount of indexing, and in times of higher inflation, such as we had in the late 1970s and early 1980s, the pension plans of these employees do not keep up worker adjustment in July. Plants continue to close in my community and across the province, do not have any further assurances that their pensions will be able to be indexed fully to the CPI.

One area of concern is the limited movement in this bill towards permitting market investments rather than the old requirement, "All funds must be invested in nonmarketable government securities." The government has been harshly attacked by a number of reports over the years with respect to its investments of public servant pension funds and teacher pension funds, and the results have shown that the rates of return that these pension funds have ...achieved have not nearly matched the kinds of returns that have been available to private sector pension funds. I regret that this government has not taken the steps necessary to ensure that a full market value investment policy will be available to the managers of these pension funds in the future.

The government claims that a pension board will be created with an arm's-length relationship. However, surely this cannot be the case when we see in the bill itself that appointments to the pension board are going to be made by the Lieutenant Governor in Council. The cabinet will have the complete and final say about who is



on the pension board, and the government is only considering the option of joint control of these pension funds with the union employees, the unions and representatives of the workers who are affected by the pension funds. The bill, as it is written, has those options written into it, but there is no assurance at all that the government is going to move away from a full and complete control of its pension plans.

The new act continues to be based on the government remaining as the sole sponsor of the plan, in particular maintaining its claimed right to all future surpluses in the plan. This certainly has to be bad news for pensioners, not only public service pensioners but pensioners affected by all types of private and public pension plans across Ontario.

One of the major issues in recent years has been the attempts by many funds, many in the corporate sector particularly, to skim surpluses off of pension plans. They went to the point of the most blatant case, I guess, being the classic one where Conrad Black shut down Dominion Stores in order to dissolve the pension funds of those employees and to be able to take back millions of dollars that had been accumulated on behalf of those employees, take it back into the hands of himself and others as owners of the Dominion Stores operation.

In this case, we certainly have a case where the government is dealing with a situation of conflict of interest. The government is presenting a bill, and at the same time, it is both the employer of the employees being affected by these pension funds as well as the recipient of all the investments of the funds. We have a real conflict when the government is holding the funds in the pension plans of its employees and, at the same time, rather than investing those pensions funds in investment opportunities that would generate the best possible return on those investments, is putting those funds right back to itself and using that to run the government's day-to-day business of the province of Ontario.

**1530**

The government, in a sense, is loaning itself the money and has historically provided loans, borrowed the funds from the pension fund and paid less than market rates of interest on those loans. From one standpoint, one could look at it as financing the deficit and the debts of the province at a very favourable interest rate to the taxpayers but, on the other hand, these are funds that are rightfully in trust, being held for the employees of the public service of the province of Ontario. Surely, as a province, we have

historically been violating that trust in the control of those funds and the provision that all of those funds would be loaned back to the province rather than invested in marketable securities.

One of the major concerns is the total inability or unwillingness of this government to negotiate pension plan funds with its own employees. One recognizes, as a government, the need to negotiate wages and there is a collective bargaining process to negotiate wages with organized employees of the province of Ontario.

One negotiates in the same process most of the other benefits, including the working conditions of the province of Ontario. However, one has to question why this government continues to be unwilling to negotiate the pension plan of the employees of this province. Surely one has to recognize that the best possible result of any kind of conflict between an employer and employee is one that is negotiated up front and in which a settlement is reached that is agreeable to both sides.

It would be far preferable for the government to put in place a process whereby pension funds could be negotiated openly and honestly between the government and its public sector unions, so that their concerns could in fact be addressed by the government. Where their priorities are may be very different than from what the government places in terms of pension funds and pension benefits.

One of the alternatives to this bill surely could have been an opening of the collective bargaining process. All that might have been required would have been an amendment to the Crown Employees Collective Bargaining Act that would have allowed pensions to be part of the collective bargaining process.

Such an amendment had been introduced back earlier by the New Democratic Party as a private member's bill during the last sitting of this Legislature but, to this point, the Liberal government of the province of Ontario has not recognized the benefits and the improvements to the relationship it could have with its employees that would result from open and honest bargaining through a collective bargaining process.

Surely we recognize that pensions have been a part of the bargaining process in the private sector for decades and, in many cases, the result has been pension plans which are very different from the public service pension plans, pension plans which in many cases provide benefits better than the public service pension plans, pension plans in the private sector which are often, as a result of the negotiations, fully funded by the

employer, not on a cost-shared basis, 50-50, with the employees, as is currently the case with the public service employees.

Public service employees are going to have to contribute eight per cent of their wages, that is, eight per cent out of their take-home pay, for the pension plan that they are expecting to get in their later years. In many large organized workplaces, the cost of the pension funds are fully paid today by the employers and, even at that, benefits are at higher levels than the public service pension plan.

One of the reasons for that is that private pension plans have had the ability to operate in the marketplace and get reasonable returns of their investment. The public pension plans have had the serious disadvantage of having to loan the vast majority of their investments back to the government at unfavourable rates of interest.

I think we can take a look, in fact, at some of the studies that have been done with respect to the public sector pension plans in the province. There have been a number of them done just during the last three years. Unfortunately, this government has not acted on them to this point and this bill certainly is inadequate in the lengths to which it goes.

In August 1987 there was a major report, the Report to the Treasurer of Ontario on the Financing of Benefits under the Superannuation Adjustment Benefits Act and Associated Superannuation Plans. This was prepared by Laurence E. Coward, director, William M. Mercer Ltd. It is generally referred to as the Coward report and it came out more than two years ago and certainly addresses the issue of investment policy.

I will just take very briefly from the "Executive Summary and Recommendations" to this report under the subject of "Investment Policy":

"The PSSF and TSF," that is, the public service superannuation fund and the teachers' superannuation fund, "are invested in deposits or debentures with terms of 20 to 25 years. Historically the return on such investments has been poor if changes in capital values are allowed for. Investment of the cash flow in marketable securities would be expected to increase the rate of return of the fund. Such a policy would remove the criticism that the government obtains a subsidy through investing members' contributions at less than competitive rates and would improve the employees' understanding of investment realities. Investment in market securities also accords with the principle that public sector funds should operate as far as possible in the same way as private sector funds."

The fact is that the returns on the public sector funds have not matched those on the private sector. While in recent years, particularly where the returns have been very high, many private sector funds have generated very large surpluses as a result of favourable interest rates and favourable returns on more secure stock market investments, the public sector funds have not been able to generate those same kinds of surpluses despite the levels of the contributions, which in many cases are higher than the levels of contributions to the private sector fund.

This in a way has become a subsidy back to the province of Ontario in its borrowing policy that certainly has been a detriment with respect to the public servants and funds that are being held in trust for them by the province. One has to question why this government is now asking those public servants to pay an extra one per cent to pay for the inadequacy of the rates of return on those investments, a government that has never allowed its public servants to be able to negotiate pension benefits or to be able to have any say or any involvement in the investment policy of those funds.

Surely this is a situation that calls upon the government to come up with the shortfall that have resulted in those funds in recent years. To ask the employees to pay for the government's mistake is hardly a fair treatment for the public servants of the province of Ontario.

#### 1540

Following up on the Coward report was another report issued in November 1987 by Malcolm Rowan, chairman of the Task Force on the Investment of Public Sector Pension Funds. This report was another report to the Treasurer of the province of Ontario and it was quite specific in its dealing with the concerns that I am raising today and related to concerns that we have with Bill 36.

The Rowan report is another major study undertaken by a task force commissioned by the Treasurer of the province of Ontario and it raises very serious concerns about the operation of the public sector pension plans in the province of Ontario.

I will just indicate some of the major conclusions and major recommendations from this report, conclusions and recommendations that have not been addressed by this government and are not being addressed in Bill 36, An Act to revise the Public Service Superannuation Act.

Under "Major Conclusions," it says: "1. \$16.7 billion...of all public sector pension fund assets are invested in nonmarket government debt at



rates of return below that which could be achieved if invested in a diversified portfolio of market investments."

Among other conclusions directly related to this investment strategy is this conclusion: "Economic enhancement can best be achieved if public sector pension funds are invested in the capital market."

Again, it puts the blame at the hands of the government in terms of the inadequacy of the returns on these public sector pension funds, a blame that rightfully should be absorbed completely by the government in terms of poor returns in recent years, and the government should be covering the additional costs, not asking the employees to pay an extra one per cent of their wages for years to come.

Under "Major Recommendations" in this study are, first, that the assets of the public service pension plan should be invested in market investments. It goes on and says:

"Public sector pension fund investment should not be further centralized."

"Public sector funds should be governed by the same rules as private sector funds."

"Plan members should participate in pension fund decision-making."

I think it is most significant that we have Malcolm Rowan not only making recommendations with respect to where the fund should be invested but also asking that plan members should participate in pension fund decision-making.

This government's unwillingness to ensure that those who are affected by the pension funds should have a say in the management of those pension funds surely is one that this government should have been addressing in a more forthright manner in the presentation of Bill 36.

This report is a very detailed one. It covers many concerns with respect to the investment strategy on the public sector funds, and I think it is most interesting that the title of this report on the investment of public sector pension funds is entitled "In Whose Interest?" That really is the issue when it comes to public sector funds. In whose interest are these funds being managed? In whose interest are they being invested?

They are being invested not in the interest of those to whom the fund belongs, that is, the employees of the province of Ontario. They are being invested in the interest of this government that wants to use those funds to help subsidize other operations of the government, take the funds from its own employees and subsidize via low-interest loans into this pension plan other

operations which this government is unwilling to fund honestly and in a forthright manner.

It was not me who raised this title on to this document. This is a document from a task force commissioned by the province of Ontario to the Treasurer the province of Ontario, and it is entitled "In Whose Interest?" They obviously have raised very serious concerns with respect to the management of these pension funds, because this government has not been managing those pension funds in the interest of employees who are going to be affected and their families who are going to be affected for the rest of their lives by those pension fund investments.

The reports go on and on. In July 1988, a third major study was issued to this Treasurer of the province of Ontario, the third within one year: A Fresh Start: Report to the Treasurer of Ontario, the Chairman of Management Board of Cabinet and the Minister of Education on Teachers' and Public Servants' Pensions. This report by Dr David W. Slater on public service pensions consultations again confirmed the mismanagement of the pension funds of the employees of the province of Ontario, and in this case as well the teachers of the province of Ontario, and raised serious concerns with respect to the investment strategy of the province of Ontario.

Let's just read some of the key recommendations from the executive summary to this study, commonly called the Slater study on pension reform. The proposals include the following: To invest the pension funds in marketable assets; to place the pension program on an arm's-length basis to the government; to increase the level of formal plan member involvement, and to have government pay the cost of the large unfunded liabilities for pension rights arising from past service."

Have these been addressed? No, none of these have been addressed in this legislation. This legislation does not open up the opportunity for the same kind of management of the pension funds into marketable assets, ensuring the opportunity for the kinds of returns on pension funds that have been available in the private sector.

This plan certainly does not achieve the objective of placing the pension program on an arm's-length basis to the government. The government continues to control who is going to be on the board, running the pension plan. The government will have a majority on that board and will continue to have the appointments to that board made by the cabinet of the province of Ontario. They will be there at the whim of the

government, on behalf of the government, managing the funds for the interests of the government, not for the members of the pension plan, the workers, the public servants of the province of Ontario.

In regard to the recommendation to increase the level of formal plan member involvement, in this respect this bill is extremely vague. The bill does not formalize any process of member involvement. It leaves an option with respect to member involvement, but no specifics are assured in it. In fact, I will read right from the explanatory notes to Bill 36: "Three alternative mechanisms for amending the plan will be provided. Initially, the Lieutenant Governor in Council will be able to amend the plan by order," in other words, the cabinet. The cabinet is the only one that can change the public service pension plan in the province of Ontario.

#### 1550

It continues: "The bill will permit the government to enter into an agreement with the members to establish joint control or member control over the plan." What does that mean? There is nothing in the details of the bill to define how such negotiations would occur or what "joint control or member control over the plan" would mean. In the interim, total and complete government control will remain in place.

It goes on, "Amendments to the plan will then be made according to the terms of the agreement." What does that mean? Does that mean the government is then going to be come back with another bill in order to achieve sharing of the operation of the pension plan? There are no assurances here that this bill will provide for the negotiation of a jointly operated pension plan or even the potential for member control over the plan.

The explanatory notes then go on, "Ownership of surplus and responsibility for deficits that may arise under the plan will be concomitant with control over the plan." There is the inadequacy of this bill in terms of dealing with the opportunity for the employees of the province of Ontario, through their unions, to be able to operate, control and have a say in the management of the investment of their own pension funds, and to be able to have some say over the direction in which pension benefits may see some changes in the future. There are no assurances we are going to see that under this bill.

The direction the government should have taken has been clearly indicated in the studies done by Laurence Coward, Malcolm Rowan and David Slater in the past. Their proposals for the

better management of the pension funds of the province of Ontario, funds that surely are only being held in trust for the employees of the province of Ontario, are not being addressed in this bill.

I take a look at some of the government's own language back during the minority government days when there were some important initiatives on pension funds included in the agreement reached between the Liberals and the New Democratic Party, when we gave the Liberals the opportunity to form a government back in 1985. There were assurances made at that time in the accord agreement that there would be some improvements to pension plans in Ontario.

During that period we had statements, for example, from the then Minister of Financial Institutions, the member for Wilson Heights (Mr Kwinter), 4 July 1986: "Policy Recommendations on Pension Fund Investment Regulations Released for Comment." I quote from this release, "Mr Kwinter said under the proposals, 'We are recommending strict rules governing conflict of interest and self-dealing, as well as disclosure of specific investment and financial information to members of pension plans with 50 or more members.'"

That is fine for the private sector and it sounds great, but why do they not not apply those kinds of policies to the public sector, to the pension plans that are to provide for the public servants of Ontario for their later years? Why is it that they want strict rules governing conflict of interest and self-dealing for the private sector pension plans, but will not impose them on themselves for the public sector plans?

The release goes on and says: "'At the same time, the recommended regulations would allow fund managers greater freedom and flexibility in making investment decisions while still protecting the interest of the beneficiaries,' he said."

Again, regulations were to come into place to apply greater freedom and flexibility in making the investment decisions. That is good for the private sector. The government wants to have these objectives for private sector pension plans. To some extent, certainly, there was a move towards that in the bill in 1987 with the Pension Benefits Act, which did put in some discipline with respect to private sector pension plans, but why will the government not apply its own rules to its own plans, to itself?

The government will not give us the assurance that conflict of interest and self-dealing will not occur. The management of the public sector pension plans has historically been the biggest



example of self-dealing in pension funds anywhere in Ontario. The opportunity the government has taken in order to be able to get low-interest loans from its own employees has done a disservice to all the workers working for the government of Ontario.

Surely it is time we acted in order to provide some arm's-length relationship between the pension plans of the employees of the province of Ontario and the management of those plans, which historically has been done unilaterally and arbitrarily by the provincial government through the cabinet.

As to the recommended regulations that the government has applied and is attempting to apply to the private sector, surely the same ones should be applicable to the public sector plans of Ontario. I ask that the government take a look at some of its own statements and act on them when looking at its public sector pension plans.

Another key regulation being recommended, quoting from this statement from the then Minister of Financial Institutions, the member for Wilson Heights, in 1986, was to "ensure diversification to prevent an entire pension fund being put at risk through concentration on, for example, one investment," exactly what has been done in the public sector pension plans in Ontario. One investment, the only investment these plans have had historically, has been loans back to the province of Ontario, low-interest loans that have not generated the kinds of returns pension fund managers have been able to achieve with marketable securities of bonds and stocks. A well-diversified portfolio has less risk than any investment that goes solely into one form of investment, in this case loans back to the province of Ontario. What a conflict of interest.

This release goes on: "The minister said, 'These policy positions should create a system which will work well and safely with a minimum of supervision. They also represent a continuation of our effort to achieve uniformity of pension plan regulations across the country.'" It is great to ask for uniformity of pension plan regulations across Canada when you cannot even get them in Ontario.

Why is it we have to have special legislation controlling and limiting the operation of public service pension plans when we do not have that with the private sector pension plans? Surely we should be asking that our public sector pension plans should be able to operate under the same rules and regulations as the private sector plans in Ontario.

Why is the Pension Benefits Act not good enough for the public servants of Ontario and why should our public servants and their unions not be able to negotiate a pension plan when a private sector plan has that opportunity? Surely, if there is ever a case of lack of uniformity of pension plan regulation, it has to do with this government and its inability to give workers and their unions the same rights when it comes to negotiating and managing, to working out an arrangement with their employer with respect to their pension plan that employees in the private sector have with respect to their pension plans.

#### 1600

This government has spent far too many years skimming off the benefits of low-interest, low-return investment of the funds of the employees of this province, back to the province to the disadvantage of those employees. Surely one must recognize that this bill is unnecessary and will have to be opposed.

This government continues to play fast and loose with the pension funds belonging to the workers of the province of Ontario. These funds represent deferred wages, wages the workers agreed not to take when they were earned, but rather to invest for use in the future when they could no longer earn wages. These funds represent benefit improvements that have not been offered by the province of Ontario to its own employees. They represent a forfeiture by the employees of unvested benefits and reduced benefits that the government has taken advantage of with respect to loans in a conflict-of-interest position.

One can look at the issue of who the funds belong to. One only has to look at recent court decisions that are confirming today that the pension funds of employees, whether private sector funds or public sector funds, are funds that are held in trust for those employees and that should rightfully be used solely to provide for the pension benefits of those employees, and particularly in cases where surpluses are generated to provide the opportunity to improve benefits for those employees.

Indeed, the province need only look at the example of the recent case of the Ontario Hydro pension plan. The Ontario Court of Appeal recently commented on the legality, or rather the illegality, of the government's attempt to take large contribution holidays and not continue to fund those pension plans.

In the action of this court case, the Canadian Union of Public Employees versus Ontario Hydro, decision 300/87 released 3 May 1989,

earlier this year, I think it is useful to look at the court's comments with respect to the nature of surplus pension funds. If one looks at that court judgement, beginning on page 24 of the decision, I quote:

"Moreover, in my opinion the assets of this fund are plainly trust assets to be held and administered by the corporation for the purpose, as s/s. 20(1) specifies, of paying members of the plan benefits by way of pensions or superannuation allowances, and allowances upon their death or disability. The contribution of the employees and Hydro, when received by Hydro in its capacity as administrator of the plan, are trust funds in its hands, which are to be invested in accordance with the act and used exclusively for the beneficiaries of the plan. A surplus constitutes an asset in or credited to the fund, which forms part of the fund and is subject to the trust. The corporation is not the owner of the fund. As trustee, it is not entitled to utilize the fund's assets or surplus assets for its own purposes in the absence of some provision of the act permitting it to do so."

The courts are recognizing that pension funds are funds that are being held in trust by the fund managers for the employees who are to be the beneficiaries of those pension plans. Those funds do not belong to the employer, do not belong to a corporation if it is a corporation that in conjunction with its employees has formed the fund, and surely do not belong to the province of Ontario, to be taken away from the province's own employees as this government continues to contend it is its right to do.

This court judgement goes on to say: "I can see no realistic distinction in the treatment of surplus between the corporation giving itself an accounting credit in place of actual payment of its required contribution and the corporation directly withdrawing surplus from the fund. The result is the same in both cases—the fund surplus is reduced or eliminated. Without any provision in the plan demonstrating the corporation's entitlement to surplus, Its withdrawal by means of a contribution holiday is incompatible with the corporation's statutory duty and fiduciary duty. There being no such provision, as a matter of statutory interpretation in trust law, the plan must be construed as forbidding the corporation from utilizing the fund's surplus assets for its own benefit."

That is a court ruling on Ontario Hydro's pension plan. It is a recognition that the funds in the plan belong to the employees and their relatives who are to be the beneficiaries of the

plan. Any utilization of surplus funds from a plan is clearly not in conformity with that understanding of whose funds they are. This government refuses to recognize this, and in this bill it continues to say that it will take advantage of the opportunity of taking surplus funds out of the funds whether directly or through contribution holidays.

This government, as typified by Ontario Hydro, cannot be allowed to misuse those funds. We as a province cannot stand by and watch government, in a conflict-of-interest position, manage the funds in any way other than in the best interest of the employees of the province of Ontario. It is totally unacceptable to the workers of the province of Ontario that surplus withdrawal in any form, including the sham of contribution holidays, not be completely prohibited in proposed legislation. This bill does not do that.

Surpluses should be used solely to provide retroactive indexing, to improve pension benefits and to offer some protection against the possibility of future poor investment results. Surpluses should be used to benefit plan members, because surpluses are built on the plan members' money and have been held, as in this decision by the Court of Appeal, to be moneys held in trust for them unless the plan stipulates otherwise. They should not be used to line the pockets of plan sponsors who use workers' deferred wages as a handy investment tool or to make an easy profit.

This government has been using the funds of its employees through its pension plans as a handy investment tool. It has been a very handy investment tool for the province of Ontario. As a result, these funds have not generated the rates of return one would expect and have in fact been achieved with private pension plans in other large corporations in Ontario.

Surely it is time we put a stop to a government that has made an easy profit off its own employees and in this bill attempts to take additional funds from those employees to finance its past mistakes.

At this time, I would like to pass on to others in this Legislature the opportunity to make some remarks on this bill. I think it is quite apparent that this bill has serious deficiencies and I ask this government to seriously reconsider the direction in which it is going and withdraw this bill. We will be voting against it.

1610

**The Acting Speaker (Mr Cureatz):** Are there any questions or comments? The member for Markham, are you commenting or questioning?



**Mr Cousens:** I have some questions for my honourable friend.

I was listening carefully to part of the speech of the honourable member and I would be interested in knowing if he has any comments on the changes that are required under the Pension Benefits Act, 1987. As he will note, there are four major parts to the bill that have to do with "(a) a person's entitlement to a pension relating to employment after December 31, 1986, vests and his or her contributions are locked in."

Do you have any comments on that or the 50 per cent rule as it applies from the bill, and, secondly, the increase of the spouse's survivor pension from 50 per cent to 60 per cent, and also that a spouse or a beneficiary or the estate of a member is entitled to a pension?

I know the honourable member was touching on a number of other aspects of the bill and there are parts of the pension bill before us, under the Public Service Superannuation Act, that are really part and parcel of a greater cause.

I am just wondering whether the member has any comments on that, because I think one of the fundamental rules that we have is that we have to be part of the wishes of the broader context of legislation as laid out by the federal government. It is imperative and important and fundamental to our own civil servants that we are fully in sync with the federal government's guidelines.

I would be interested in knowing whether the member has any comments on those particular areas. Maybe one of the problems we have is that Ontario is not the leader in pensions that many of us want us to be. I will comment on this in more detail when I am speaking to the bill shortly, but I am particularly interested in the member commenting on that.

**Mr Pouliot:** As I listened very carefully to what our critic the member for Sault Ste Marie (Mr Morin-Strom) had to say, I came away appalled and shocked. I had assumed that the people who toiled for a number of years serving their employer, the province, very well would be fully indexed. I am finding out with Bill 36 that they are not.

I had assumed that people were the recipients of a detailed account or statement of where the money was invested and at what rate, and they are not. I had assumed that the main plan, which is I understand fairly well funded, with a surplus, would supplement the indexing plan and, again, it is not. I had assumed that for decades the plan was getting top rates from the marketplace. Again, it was not.

It seems to me that I have to arrive at the following conclusion: that for a number of years the government of Ontario used the money from its employees to fund the province and, therefore, to lessen their portion.

I had assumed that the Ontario Public Service Employees Union would get some representation, and it does not. I find it difficult to believe that systematically and deliberately the province of Ontario, because of its mistake, its lack of planning and its lack of taking its responsibility, will go to the pockets of its own employees and impose an additional one per cent on their pension. I am simply, in conclusion, both appalled and shocked.

**Mr Philip:** I have a question of the previous speaker on the buyback provisions. As I read the bill, it seems to me that this buyback provision is more restrictive than under the previous legislation. The two-year requirement will make it difficult for a number of people to participate and buy back, whereas under the previous provision they had a much longer period in which they could involve themselves.

Many of the people that I know who are interested in buying back can afford it only at that time in their lives when the children have gone to high school and perhaps university and therefore they are in a position later in life to buy back. As I understand it, the legislation will not apply to these people because they will have been disqualified by that time by the two-year requirement.

I wonder if the member would like to clarify that, since I think it shows that this legislation actually takes things away that public servants already had, rather than giving anything new to them. Perhaps that is why the representatives of the public servants are so strongly opposed to this legislation.

**Mr Morin-Strom:** I am pleased to be able to react to some of the comments that were made. With respect to the concerns of the member for Markham (Mr Cousens), in my view, the changes that are required by the Pension Benefits Act are changes which are already in force today as a result of the Pension Benefits Act. So the inclusion of those changes to this act is a matter of fairly meaningless window-dressing to the bill in terms of claims that they have actually done something in the bill when in fact they have not done anything in the bill.

There are several things they have attempted to do, but these particular ones are things that bring this act into line with what has already come into force with the Pension Benefits Act. This is an

attempt by the government to take credit for something in this bill, presumably to help sell the fact that it is asking for an extra one per cent contribution from all of its employees while really providing them with nothing new and nothing they did not already get from the Pension Benefits Act.

I certainly agree with the comments of the member for Lake Nipigon (Mr Pouliot): the government has used these funds as a handy investment tool and has not used them to ensure full indexing of pension benefits. I agree with the member for Etobicoke-Rexdale (Mr Philip), the buyback provisions are a good news-bad news story. The good news is you have the right to buy back some past service; the bad news is it is going to be at such a level that you will not be able to afford to do so. Those provisions are going to cause very serious hardship for many employees of the province of Ontario.

**Mr Cousens:** This is an important bill. It affects all of the employees of the province of Ontario and I see this as an important opportunity to participate in this debate, especially on these proposed changes to the Public Service Superannuation Act. I served on the pensions committee. I think it was in 1981-82 when we met and I attended some 77 different meetings. At that time the present Premier (Mr Peterson) was part of that committee as we looked at proposing and considering changes to the Pensions Benefits Act. It is a very complex matter and one of the most important subjects we could touch on in relation to our own employees.

I think it also touches on the fact that all of us in the province have to be putting a special emphasis on pensions. It happens very quickly that you are, suddenly, at an age where you do not think when you are 20 or 25 how important it is that you put aside a certain amount of money every year or every day that can be put in a little pot to help you retire in a way and a means that is going to allow you to be comfortable and enjoy the rest of your days. The fact of the matter is that we in the province have a level of responsibility to all our employees to make sure we have a program that is fair and equitable, one in which both the government pays its fair share as the employer and also all those people who are part of our civil service are able to participate in a meaningful and good way.

It is in that regard that I asked the question of the member for Sault Ste Marie as it relates to the changes in the present act that are really required because of federal legislation. I happen to believe that a lot of the initiative for the federal changes

came from our own pension committee of the province of Ontario. Even before the issue became something that everybody was thinking about here in this Legislature, members from all parties were sitting down spending long hours, receiving presentations and proposals and trying to find solutions to it.

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We have a major opportunity to come up with solutions that will have a long-term benefit for these employees. We also have a responsibility and that responsibility is one that is shared between the government and the participants in the plan.

We also have a responsibility to the federal law to make sure that what we are doing here coincides with the guidelines that are delineated by federal legislation.

I think we have a step further that this bill does not go to and we will be looking under separate legislation on how to deal with our teachers. I wish there was more we could do that would allow us to become involved—

**Hon Mr Black:** You had a number of years to do something; you did nothing.

**Mr Cousens:** The member for Muskoka-Georgian Bay, in speaking out, says that we had a number of years to do something but did nothing. The fact of the matter is that the honourable member was not here back in the early 1980s when many of us were very involved in this. It is not just something that you can call a quick, easy issue to deal with, and if the member is trying to be simplistic on it, then I would hope Mr Speaker will allow this very outspoken new frontbencher sitting in the back row to have a chance to speak up when there is the opportunity, when I have finished my remarks. I would be more than pleased to sit and listen to him with my mouth shut if he could do the same thing while I am in the process of trying to make my remarks.

**Mr Carrothers:** That would be a new experience.

**Hon. Mr Sweeney:** Don't make promises you can't keep.

**Mr Cousens:** I would try, anyway, and he would be very trying, I can assure you, Mr Speaker.

**Mr Kerrio:** If you were a Catholic, you would be in the confessional for a week.

**Mr Cousens:** I do not want to go into the confessional because the member might be there behind the booth.

This bill is both complex because of the nature of what it deals with and the matters with which it



deals. The mysteries of the actuarial science are not accessible to most of us and fund valuations and performance forecasts and projections are an uncertain business at best. I think that is one of the problems that has really made pensions a difficult subject for common laymen in the province of Ontario who really do not stop and consider the impact on their long-term financial stability by thinking now on what they should and can be doing in setting money aside, whether it be through a registered retirement savings plan, a company plan, or any other kind of program they can get into.

Because of the complexity of it, many people stay away from this subject and it is to their own detriment. Certainly, we in this Legislature are going to have to deal with it in a very big way, especially as we deal with Bill 36 and with some of the reports that come out of it, which I will be touching on shortly.

This bill is important because it will have a direct impact on more than 80,000 contributors and on more than 30,000 pensioners of the public service superannuation fund. The matters addressed by this bill will directly affect the ability of plan participants to save for retirement and the ability of current and future pensioners to enjoy the benefits guaranteed by the pension promise.

While the focus of attention will no doubt be on plan contributors and pensioners, we should not lose sight of the fact that this bill will also have a direct impact on the Ontario taxpayer. It is, after all, the Ontario taxpayer who stands behind the government's guarantee of the pension promise and who, through the government, makes matching contributions to the pension fund.

In my view, as the House deals with this bill, we must assess the adequacy and equity of its provisions by subjecting the bill to two primary tests: fairness for the plan contributors and pensioners, and fairness for the taxpayer.

Members in this House are aware that this bill is before us because of two major developments. The first of these is the need to amend both the public sector and teachers' superannuation legislation to conform with the provisions of the Pension Benefits Act, 1987.

To that end, the bill will provide for the adoption and incorporation into the public sector plan of the 1987 act's provisions regarding such matters as vesting, the 50 per cent rule and survivor benefits.

I would just hope that everyone in this province begins to appreciate the kind of thinking that has gone into the federal bill and that now

becomes a benefit through this bill that is passed: early vesting, the 50 per cent rule and survivor benefits.

Mr Speaker, you just cannot begin to realize how far we have come in a very short time, because in those meetings that I attended in the early 1980s, these were still fresh ideas that had not really been fully distilled, fully considered, and were not understood by a large number of people.

For many people who have moved from job to job to job, because they have not been there long enough in order to have their pension vested, it has really left them at a stage, when they are in their late 40s or early 50s, of not having that money accumulated in one pot. Now they are going to have that chance through this kind of thinking.

Here in the province of Ontario, we will be giving leadership to that. The leadership certainly came from the federal government, but again we have to understand that it is in the best interests of all people that we do this kind of thing.

I would anticipate that most of these measures would be noncontroversial. When I asked questions of the member for Sault Ste Marie, I was interested in his comments. I think he was somewhat facile in his response when he just called this bill window-dressing. I do not think he would find that is a comment that comes from people in the public service.

I think those four provisions I was asking about are in fact essential, and for them to come along and take a lot of credit for that is really the kind of thing I would take exception to, because this bill is a necessity based on what the federal government has done. I think that is the point I was trying to make. If that is the point the member for Sault Ste Marie was making, then I would agree with him.

I doubt that the same can be said for the provisions in this bill that are designed to respond to the second major development which led to the introduction of this piece of legislation.

As members who have followed this issue will know, the government over the past two years has commissioned and received a number of reports which identified a potentially serious funding and financing problem in the superannuation adjustment benefits fund. Both the Rowan report on the investment of public sector pension funds and the Coward report on the financing of benefits under the Superannuation Adjustment Benefits Act raised questions about the financial status of the adjustment fund related to what

Coward described as large and growing unfunded liabilities of the Superannuation Adjustment Benefits Act.

The financial instability of the Superannuation Adjustment Benefits Act in turn called into question the ability to maintain the pension promise of indexation in a manner which would not result in an unfair intergenerational transfer of wealth and responsibility.

I am sure all members appreciate that we are not talking about nickels and dimes when we talk about the unfunded liability in the superannuation fund under the Superannuation Adjustment Benefits Act. Coward's projections, assuming an inflation rate of four per cent, show that after 1993, in the absence of any changes to plan financing, the unfunded liability in the public service adjustment fund would be an estimated \$2.6 billion and that the unfunded liability in the superannuation fund would be a projection of \$5.9 billion. This would mean essentially that the Ontario taxpayer would be on the hook for an \$8.5-billion deficit in the indexation fund.

While the situation we are facing today is not quite that bad, it is still sobering to realize that the unfunded liability is currently estimated at \$5 billion, about \$1.7 billion of which is attributed to the public service adjustment fund, and the government and the taxpayers really will be accepting responsibility for that deficit.

To help put the funds on a more secure financial footing, the government has proposed a number of changes to the financing structure and management of the pension fund, including an increase of one per cent in the contribution rate, changes to provide for the investment of the fund in the marketplace and the merger of the basic and indexation funds, to mention three of the measures that have attracted the most public comment.

Of these three measures, I suspect that the provision to allow for the investment of the fund in the market will enjoy the most widespread support and encounter the least opposition. As noted in the Rowan report, both the Ontario Federation of Labour and the Ontario Public Service Employees Union have proposed that a portion of the public service superannuation fund be invested in market investments.

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To that degree, we really see a number of the suggestions that have come through from the Rowan report and as well from the Coward Report to the Treasurer of Ontario on the Financing of Benefits under the Superannuation Adjustment Benefits Act and Association Super-

annuation Plans. I would just like to comment, if I could, on both these reports.

First of all, I happen to agree very strongly with one of the recommendations that comes out of the Rowan report on the implementation of its own task force recommendations. What they have asked for is that there be four stages of the review. First, there should be a public review and comment phase. I have to question this Legislature on the degree to which there has been that kind of public review and comment. I think there has been among the educated and among the Legislature, but to what degree has it filtered down through to the grass roots?

I would like to ask as well, to what degree, in the second part of the implementation program, the legislation preparation and approval phase, has this legislation that has been prepared by this government really had that opportunity on the part of our employees to comment intelligently and in time to react to it?

An organizational phase would be the next phase, and finally there would be the investment phases over a three-year period.

What we are talking about is a series of conclusions and recommendations that have been made by the Rowan report. I would like to touch on some of them by virtue of their nature and the impact they have on just the investment that we are talking about that is part of this pension plan.

What they are talking about is \$16.7 billion, or 45 per cent of all public sector pension fund assets, invested in nonmarket government debt and at rates a return below that which could be achieved if invested in diversified portfolio of market investments. That becomes one of the key points we have to look at. Any pension fund should be allowed to grow as fast as it possibly can so that the beneficiaries of that plan are able to benefit from it so that they are not being used by the government for a source of cheap, cheap money.

That has really been one of the major problems of the pension plan; it has been used as a source where a greedy government can come along and take those funds at a cheaper rate and then the loser happens to be the people there. By taking this legislation and allowing the funds to grow at a higher rate through investments in the free and open marketplace, then everyone is going to benefit, except for the government, and the government should not be necessarily benefiting by virtue of taking it out of the backs of its own employees.



Another conclusion, which I agree with, is that Ontario taxpayers could potentially benefit by at least \$1.2 billion over a period of 10 years if the teachers' superannuation fund, the public service superannuation fund, the superannuation adjustment fund and Ontario's Canada pension plan funds were invested in market investments—a rather simple statement that makes an awful lot of sense.

Another conclusion that was drawn is that economic enhancement can best be achieved if public sector pension funds are invested in the capital market. We have to realize, when we look at what the capital market is, if I am correct, that it has to do with property and how it increases and escalates in value at a far faster rate than almost anything else. If we look at the capital market versus the stock market, we realize that those people who have made those investments have seen them grow in a significant way.

Another conclusion, and I am not going to touch on all their conclusions, is that the taxpayers' interest is not adequately taken into account in a number of public sector pension funds. That is one of the things I will be looking in this bill for when it goes to committee and when there are far more discussions on this than can be had in this House with our debates that go on. We want to really understand what commitment the government is making on behalf of the taxpayers.

The taxpayers right now are faced with all kinds of unfunded liability in the Workers' Compensation Board. We are faced with a deficit that this government has accumulated through continued overspending, and now we are talking about the same kind of continuation of a government that says: "Well, we don't have to worry about it today. Another generation will have to worry about it." That becomes a fundamental mistake for the future generations in the province.

We here in this House today have to make sure that what we do and how we do it are economically sound now and for the future and not something that just sort of accommodates a need that is enunciated by the Treasurer, but something that has long-term ramifications and understands that the people who really pay the bills in this province are the people out there who make up Ontario. They expect an awful lot more of us in this Legislature to make sure that we are taking their interests seriously and that we are not just paying lipservice to it.

I believe strongly that any plan we are putting into effect here has to consider who is footing the

bill. I have touched on that in my earlier remarks, but it has to do with the government's responsibility, the employee's responsibility, but as well the importance of our understanding that the taxpayers' interest must be understood and appreciated and incorporated into our thinking. I venture to say that this is one of the flaws of the DP government, that in fact the displaced government of the Premier has really failed to appreciate the costs of government, the costs of running things, and just loads more on the backs of the people of Ontario. The middle-income earners are the ones who are paying the shot, and anything we do here that affects good business and anything else should be considering their needs.

Some of the recommendations that come out of the report—and as you can see, it is a very thick report of close to 400 pages—have to do with the fact that public sector pension fund investment should be and must be further centralized. It is that kind of thinking that I am looking for in the bill that is before us today. Another point is that the government should not direct public sector pension funds to make particular kinds of investments. It is not for us or any individual to come along and try to make those decisions. They should be made by those most capable of making them and making them properly.

One of the points here that is low down in the Rowan report recommendations is that the cost of pension benefits should be assessed in a total compensation context. Why can we not do that with everything the government is doing, to say there is a real sense of knowing the costs of what we are doing here as it affects any ministry, any department or any action of this government. You do that when you are buying something in your own home. You do that when you put away your own pension plan contributions for your RRSP. So too it should be the model of action by this government, so that we are able to put things into the proper context and understand what all the cost ramifications really are.

I believe this bill that we are reviewing, Bill 36, should be held up against the Rowan report to see in whose interest the bill is really written and that it is in the interest and the best interest of all, not only the government and the people who are part of the pension plan, but also the taxpayers, who will fund it ultimately.

There is an urgency to this whole process. That comes through in the report prepared by Mr Coward from William Mercer. The fact is, when you start looking at it all in detail you realize that we are dealing with a lot of numbers and that we

really need to have some kind of actuarial background.

Dealing with the concept—and the concept that he has is in his recommendations—he has made a number of recommendations and he has looked at it in a very commonsense way, but he is saying action should be taken with a minimum of delay to phase out the superannuation funds and to put the funding on a sound basis.

If there is anything that I and the party I represent stand for it is to have these pension plans established on a basis that is economically sound, that makes sense and that will stand the test of time. Indeed, that is why when this is referred to committee there will be an opportunity for us to deal with it quickly and intelligently and fully.

#### 1640

There are a number of problems that I would like to address with regard to the bill. One has to do with the way there is going to be the creation of a board that will deal at arm's length from the government called the Public Service Pension Board. I would hope that when it goes to committee, there would be some review of the composition of this board. As I understand it, and as the legislation reads, the Public Service Pension Board will be composed of at least three members. They will be appointed by the Lieutenant Governor in Council for a term no longer than three years, with a total term, including reappointments, of any individual member limited to six consecutive years. They would be responsible for the administration of the plan, benefit adjudication and investment management for the fund, and they would be required to submit an annual report to the Chairman of Management Board.

I have several problems with that. I think there are benefits to having the number of people on a committee limited to three if you have got good appointments, but what is happening is that when this government is making appointments to any kind of committee there is that opportunism that takes place where you end up having Liberals being appointed to different posts. I would like to find some way in which the appointees to the Public Service Pension Board will not just be the hacks of the Liberals of the province.

I would like to find some way in which any appointments that are being made to any board will have a cleansing process in which appointees' names will be at least sent to a committee of the Legislature so that we will have a chance to review their capability and their interests, possibly to assess any kind of political

interference in their appointment—I call it political interference in that it may well be the president of someone's Liberal riding association, and because this person happens to have worked in some—

**Mr Velshi:** Is that what you did, Don?

**Mr Cousens:** No, that is not what I did. But that is the kind of thing this government has a chance to clean up. Before this government took office, it said it was going to run a very clean government. I do not have the sense that it is clean. I look at the Minister of Education (Mr Conway). He is a clean-cut fellow, and I would say that he really is, but it does not really convey that cleanliness by virtue of the appointment process.

When this bill goes to committee, there will be an opportunity for us and people of the committee to understand the criteria that will make up those appointees. It would be important and valuable and beneficial to all of us to know that this government is not just going to appoint the minister's riding president as chairman of the Public Service Pension Board because he happens to be good with numbers. We need to have far more into it than that.

**Hon Mr Conway:** What about my relatives who run the local Tory association?

**Mr Cousens:** I would say that they would fall under the same judgement that I just gave. I would hope that there is not going to be any preferential treatment for anyone except for the kind of person who is capable of doing a job that is going to be in the best interests of all the people; and I mean the people who will be served by the pension, by the province of Ontario and by our taxpayers.

I am satisfied that there are parts of the bill that need to be changed to accommodate federal legislation: the expanded eligibility criteria, to give the optional plan membership to contract, part-time, unclassified and seasonal employees. I see this as an important step forward for the many people who do not have a full-time job; they do not necessarily need a full-time pension, but to give them that opportunity to participate in the plan is something that is a progressive step. I see it as something that can be very beneficial.

I wonder if the minister, when he is commenting on this, or my friend the member for Oakwood (Ms Hošek), when she is commenting on it, would be aware of how this will apply with some of the municipal agreements that exist. For instance, the Toronto Transit Commission has a situation that is now before an adjudicator, and we will not know the results of that for some



time, but the commission is quite concerned about part-time employees. Maybe there is something that can be done in the definition of what is a part-time employee by virtue of their membership and their payment towards services and benefits that are part and parcel of their employment.

I am also in favour of the transfer and buyback provisions to improve portability. I know many people who are now at a stage in life where they do not have a good pension plan because they have not been able to carry it with them, and because the vesting at one time was 10 years in their place of employment they have ended up not staying in any place long enough to be able to carry forward the benefits of their earlier pension plan.

I also approve of the changes in the definition of a spouse to conform with the Family Law Act. I have a situation, quite candidly, of something that came before us in the standing committee on the Ombudsman, and I would hope that the parliamentary assistant to the Chairman of Management Board of Cabinet would look at situation E. The Speaker may well be apprised of it. I know that other members of this House who are part of the Ombudsman committee have been aware of the tragic circumstances of case E. This is a person who married a teacher.

I realize that the situation is not a perfect parallel with this act, but the situation could well apply because she married a person after he had started the pension, and because she had married him after he had started the pension and he died without an awful lot of notice, as it turns out she has not received a pension since because when his pension was made out it was made out to him alone so there was no survivor benefit because they were married after he had started taking the pension.

There are certain anomalies like that. I realize there is not a large number of them, but it is the kind of thing that we have considered in the Ombudsman committee, and I would be interested in knowing how this bill addresses it, if it solves it and if there is a way around it.

That is good news. I appreciate that the parliamentary assistant is nodding in the affirmative. That is good.

**Miss Nicholas:** Yes.

**Mr Cousens:** It was Mrs H. That is right. I was thinking it was E, and I was checking with the member for Etobicoke-Rexdale—

**Miss Nicholas:** He can't remember these important things.

**Mr Cousens:** But I am glad the member for Scarborough Centre (Miss Nicholas) can. She has been very helpful once again. I think she should get another favour or something. She can speak after me.

I think the major sticklers on this legislation have to do with the contribution rate increase. I am concerned with how the government has dealt with this and the reaction that is being felt by the members of the unions. I have a sense that there has not been what one would call good communication. It is the kind of thing where the government comes along and announces it and does not really sit down and discuss with the employees just what its thinking is, how it is planning to do it and how in fact it can help both sides work together on it.

When this does go to committee, I would also like to know how the whole issue of planned management and the related matters of ownership of the surplus are going to be dealt with. There is a surplus in these funds; just how is it going to be allocated?

We are dealing with an important bill. It is one of those things that the government probably just wants to sort of slide through and have no one bother reading or understanding. The fact of the matter is, we owe it to all the employees who make up one of the best public services in Canada, if not the world, to make sure that we fight for their best interests, to make sure that their needs are properly assessed and understood, and as well to understand the balancing act we have to take as politicians who understand that there is not an endless pot, a bottomless pit from which we can continue to fund these services, but that there is a balance that will allow us to maintain integrity as a government but also maintain the trust that we have with those who help make this government strong.

I have to be very careful because very often when we are dealing with a bill like this, a few public service employees would have been involved in drafting it, but it serves the great majority and it really becomes a decision by this government how it is going to act in the future. It has to do with what is going to happen long into the future and greatly impacts the lives of those people who are presently our employees and who in the future will be retired and will be able to benefit from this the Public Service Superannuation Act.

It is a complicated bill. I am sorry there is not more time to go into it. I know that many others members wish to discuss certain aspects of it. I can assure members that I will be looking at it

very carefully as it goes to committee. It is not something that I would like to see anyone make any mistakes on.

1650

**Mr Philip:** I would like to basically deal with some of the essential principles, because I think that is what we are down to at second reading of this bill. It seems to me that we will have an opportunity to get into some fairly specific and detailed analyses during the committee hearings. We have already heard from the representatives of the employees, who say that they are opposed to this bill, that they think it is a backward step and that they will be bringing some fairly detailed criticism of the bill.

Perhaps the Liberal government members of this House will say that I have an overly simplistic view of pensions, but pensions, in my view, belong to the employees. As a social democrat, I happen to believe in the right of ownership; in a mixed society, that individuals have a right to own things and unless they are somehow in violation of some act or the rights of others, that they then are able to exercise that ownership and make decisions about that ownership. As one of the commercials on television says—I believe it is for American Express—ownership has its privileges. But in this bill, with pensions in Ontario, ownership does not have its privileges.

If I work hard and I save my money and I deposit my pennies or my money in the Province of Ontario Savings Office, which has continued to be highly restricted by this government, or even in a bank or a co-op, and eventually I go out and I buy an object, say, an automobile, I have the right, in owning that, to make certain decisions regarding that car. I can decide whether I want to invest more money in it. I can decide whether I want to have a transmission replaced with a remade transmission or a brand-new transmission. I can use that vehicle for recreation. I can decide to use it for earning extra money by delivering pizzas at night or whatever, selling Stanley Home products or Fuller brushes in my spare time. I can use it for a variety of efforts, including using that particular object to make more money for myself or prepare myself in some way for my future and that of my spouse and my family.

But what we see here is the right of ownership clearly infringed on by the state, because here we have in this legislation the rather sly intrusion into the private ownership of a pension plan. The chairman, Chairman Nixon, has decided that the state will make all the key decisions regarding the

pensions that are owned—I thought—by the people who had worked so hard for them. So it is not the employees who are making the decisions but rather the government or the state—the chairman of the board.

If we see the unilateral way in which this Liberal government has replaced the Public Service Superannuation Act and the Superannuation Adjustment Benefits Act, it can only be described as medieval. It is more than paternalistic. I guess it is feudalistic in the way in which they have approached it. How can we have a system in which the government says that it is talking to both the teachers and the public servants and then somehow comes back and says, "Well, no matter what they said, we are going to decide everything anyway, and we are going to impose an act, be it this act or the one that we will soon be dealing with concerning teachers' retirement pension plan, and we are going to make all the decisions."

One of the major credibility problems that faces this government, I believe, is that it says one thing and then does exactly the opposite. This government cannot expect private enterprise to behave responsibly and sensitively with its employees when the government does exactly the opposite to its employees. We have, it seems to me, common sense, a sense of fairness, which dictates that public servants should have the same collective bargaining rights as those in the private sector. In rejecting the recommendations of the Slater commission report, a report commissioned by the government and paid for by the taxpayers, it in fact is turning its face away from common sense and good labour relations procedures.

This bill is the result of the government's mismanagement of a pension plan, either intentional or unintentional, and the employees are now being asked to pay heavily for the plan's mismanagement or losses, be they intentional or unintentional. The so-called deficit in the plan simply would not exist if the government either had not mismanaged it or had used it for its own internal borrowing purposes.

If one follows the development of this legislation, he can see a *de facto* example of bargaining in bad faith. I know that we will hear more about this from the employees' representatives when they appear before the committee holding the hearings on the bill, but in fact information that has come to us from both the teachers and public servants clearly indicates that the government was not bargaining. It was speaking at people rather listening to them or bargaining with them.



The position of the government is that the fund is underfunded and that is why it is necessary for employees to contribute extra. If there is a disagreement between the employees and the government, there is no independent adjudication of that disagreement. The books are not open and have not been open to the 50,000 employees who are affected by this plan, and therefore they must accept in faith what the Liberal government is saying, that somehow that extra one per cent is necessary.

If one looks at this government's track record, and indeed the previous government's track record, on this pension plan, one would have to ask why they should be believed. If they knew that it was going to lose money, why did they not take certain steps long ago to at least either pay equal to what was being paid in pension plan investments in the private sector or make other adjustments that would have been necessary so that the deficit would not have been created?

Now, of course, we find out that the government says it cannot openly deal with the union and, in fact, in an open way prove that there is a deficit. If, under this bill, by any chance there is a further deficit, the employees are going to be asked to pay even more. However, if by any chance there is a surplus, then the government can take a holiday from paying premiums into the pension plan. Conrad Black would have been proud of this pension plan. He would have said, "This is a great idea."

When we got up in the House and we said how unfair it is that the Liberal government is doing nothing about the private sector and taking money out of the pockets of individual pensioners by allowing holidays from premiums if a pension plan does well, we were talking at that time about the private sector. We assumed that if the government was not prepared to deal with this legal robbery by the private sector of pension plans, at least when it brought in its own pension plan, it would not do that to its own employees. But it does. Under this legislation, if the plan does poorly, the employees have to pay. If the plan does well, the government gets a recess, and a recess is simply another way of saying that it does not have to live up to its obligations to put into the pension plan.

Even the most reactionary of business leaders accepts the right of employees to negotiate their pensions. This government obviously does not accept that right. If one can accept the information which has surfaced, albeit in fragmented form from the negotiators who have been talking to this government, be they the teachers or the

public servants, one cannot help but conclude that the government has simply not negotiated on this issue.

#### 1700

This government likes to boast about how Ontario has a public service that is one of the best in the world, and I accept that. But if you are going to have a set of employees that you say are the best in the world, then you have to treat them that way. The most basic course in good employee management says that if you say one thing and do exactly the opposite, your behaviour will show that you are in fact telling lies to your staff, and your staff, in turn, will rebel in one way or another.

If we want our public servants to continue to feel that they are being listened to, that they are being consulted, then the government cannot introduce this kind of legislation. It simply goes contrary to even the most simplistic of management training programs. So it is bad management, not just bad economics.

This bill is creating a major morale problem in the public service, as well as among our teaching staff in this province. You cannot simply say to people they are important and then ignore consulting them, ignore involving them in those things that are the most basic issues concerning themselves; namely, the future of themselves and their families.

This bill is about the employee's future, and you deal with that. You do not need to take a course in Maslow's hierarchy of needs to understand that if you remove the basic needs, then you create a morale problem where you cannot appeal to the higher needs and expect high productivity. So what we have is that this government undermines some of the basic principles, I think, of good management.

This is just one more example of broken promises by the Liberals. Members may recall how the Liberals in opposition and indeed, I believe—I stand to be corrected—maybe even under the minority government situation, promised that public servants would be treated the same way as other citizens in society. They said public servants would be allowed to participate openly in a democratic process as long as that participation did not involve an attack or the release of information on something that they personally were responsible for as public servants.

We all see what happened to that. Public servants do not have the right of ordinary citizens when it comes to speaking openly about policy, regardless of whether or not that policy involves

their own ministry or not, or indeed in participating in the normal democratic process of ordinary citizens.

After breaking that promise then, one could not expect much different, I suppose, on this. We had the promise from the Liberals before the last election that they would bring in legislation that would deal fairly with both public servants and teachers, and now we see that they have brought in legislation which is not acceptable to either group.

One could expect this to happen, I suppose, if he looked—and my colleague has pointed it out earlier. We saw the atrocious actions of this government when it came to even recommendations by the Ombudsman vis-à-vis the teachers' superannuation plan. When this Liberal government ignores the fairminded, independent adjudication of the Ombudsman, the recommendation of the standing committee on the Ombudsman, an all-party committee, in dealing fairly with the spouses, with the widows, if you want, of teachers' pensions; when it rejects the fairminded recommendations of the Ombudsman in areas like that, in dealing with widows of retired public servants or retired teachers; when it ignores that kind of recommendation, one cannot expect that somehow it would come in with a fair plan and keep its promise on the pensions to teachers and to public servants.

The courts, in recent judgements, have been fairly clear. There is a major theme running through their decisions, and the theme runs contrary to the thrust of the previous Conservative governments and the present Liberal government. It basically says that the owners of the pension plan are the employees themselves. Thus, this legislation is not only contrary to common sense, it is not only contrary to good management, it is also contrary to the major thrust, I think, of recent court decisions.

Perhaps the public servants could accept the extra one per cent increase in contribution levels, notwithstanding the fact that they had no say in the mismanagement that has created the necessity, a necessity which the government still has not proved, but none the less they did not contribute to that. It was of the government's making, not the public servants' making. They might even accept that if the government at least came clean and said, "From now on, we are going to be equal partners with you in the running of this plan."

But the government does not do that. If you look at section 29 of this bill, what you see fairly clearly is that the only mention of participation by the employees themselves is not that they even

have to be appointed, as they did under the old bill—at least they had one representative under the old act—they do not even have to have a representative under this. All it says, under sections 29 and 30, is that if they are appointed, they are not going to get paid for it. They are not going to get paid extra for being on that board.

Not only is there not a requirement that they have representation, but it says: "If you do have representation, you are the only guys who are not going to get paid for that representation. We are going to appoint our people. They are going to be paid out of your pension funds to administer this plan. We will decide who they are, and you are going to pay for it. You are going to have no say as of right, and whether you like it or not, here is an extra burden on the pension plan."

It does not specify what they will be paid, but we may be sure that it is going to be one more Liberal government boondoggle to its friends and supporters, another appointment to another board to run this pension plan at the cost of the employees.

**Mr Pouliot:** DelZotto and Patti.

**Mr Philip:** Yes. My colleague says DelZotto and Patti Starr. I am sure Ms Starr will not be appointed to anything for a while. None the less, there are other Patti Starrs out there, I am sure, who will get appointments.

It seems to me that if public employees are forced to pay eight per cent of their paycheques into a pension plan, then at least they should have an equal control over that. What we are talking about is an average salary between \$24,000 and \$28,000. We are talking about people who are paying heavily, who are willing to sacrifice out of their paycheques and out of their present family expenses, in order to have a future and in order to have a pension plan for themselves and their spouses when they are older.

But in so doing, if we are asking them to make that kind of sacrifice off their present table, out of their family budgets, then at least they should be granted an equal say in what is happening to that; at least they should be granted some influence. When I go around the province, when I talk to people in private business, we see how those pension plans are administered jointly, many of them. In some cases, the employees have more representation than the employer over the pension plan and a lot more control.

In this case, the public servants are going to be at the whim and the caprice of any government that wishes to use the plan in any way it sees fit. For years they used it to supplement their own borrowing. They have created a deficit. Now the



employees are going to be asked to pay for that deficit without any kind of proof, without coming forward with the books, without a sharing of the information of how that extra one per cent was arrived at.

**1710**

I cannot accept that that is fair. I cannot accept that it is good management. I cannot accept that it is in any way either fair to the taxpayer or fair to the employees who, I think, have served the citizens of Ontario well. It is a shoddy way for an employer to treat its employees, and it is particularly shoddy when it is the government treating its 50,000 or so employees whom it expects to perform more than overtime every day.

Therefore, I will be voting against this bill. I am looking forward to the hearings that we will be having. I think the hearings will show what a ripoff this is, not just of the employees, but also of the taxpayers, and not just with this bill, but over a series of years by both the Liberal government and the previous Conservative governments.

**The Acting Speaker:** I would ask all colleagues of the House, including the Minister of the Environment (Mr Bradley) and the Minister of Education—strange as it would appear, I was attempting to listen to the honourable member and it was most distracting—if you would like to hold court to do so at the back lobby.

**Mr Philip:** I just wanted to say that I did not find it distracting. The Liberals, obviously, paid as much attention to my speech as they did to the employees who were trying to negotiate a fair deal.

**Mr Morin-Strom:** I would like to commend my colleague the member for Etobicoke-Rexdale for the analysis that he has done on this bill. I look forward to working with him on the concerns that have been raised by the public servants of Ontario. This bill will be going into committee and we will certainly be raising their concerns with respect to the unfair representation and lack of representation that this bill provides, in fact taking away rights that they had previously.

I do agree with the Speaker's concern with respect to certain Liberal members of this Legislature who want to use our chambers as a meeting room while debate on a bill such as this is supposed to be taking place. I think they would be doing more of a service to the Legislature if they were willing to stand up and actually defend

their government's record on pensions, and in particular this bill.

It is quite interesting that the Liberals in fact do not have any defence of their position on this bill and have not been able to participate in putting any claim of authenticity behind their efforts to provide any type of pension plan improvements to the public servants of Ontario. One would question why a caucus which has some 94 members is unable to find more than one member able to defend this bill that is presented to the Legislature and that is under debate today.

**Mr Ballinger:** I have been sitting in the House during the last three or four speakers and I think the honourable member for Etobicoke-Rexdale did a very adequate job of putting forth his arguments as he believes them. But quite honestly, for the member for Sault Ste Marie to stand in his place and say that nobody on this side of the House is listening—I mean the mere fact that we do not agree with the speaker does not mean we are not listening. Just because some of us are not posing in the debate all of the counterarguments to some of the points—I would not say outlandish points—that are being made by the New Democratic Party caucus, that is our prerogative.

If we want to sit here and listen, we will listen. If we want to debate, we will debate. But if I want to debate with the honourable member for Etobicoke-Rexdale, as an example, about his position and his arguments with the various amendments that have been posed, I will choose another time. I am quite happy to sit here today and listen to the honourable members on the opposite side of the House bring forth their arguments on what they believe this bill should do.

**The Acting Speaker:** The honourable member for Etobicoke-Rexdale.

**Mr Philip:** I just want to thank the two previous members for their comments.

**The Acting Speaker:** Order. I have made an error. The honourable member for Scarborough Centre on questions and comments.

**Miss Nicholas:** Thank you, Mr Speaker. I think I stood up well in advance. I should wave next time.

I just wanted to use a few minutes to comment on the honourable member for Etobicoke-Rexdale's specific comments with respect to the case of Mrs H, which came before the standing committee on the Ombudsman and I think he so rightly said that the Ombudsman made a

recommendation to allow Mrs H to be compensated.

I think the legislation that we have before us today shows how interested the Ministry of Education was in following through on the recommendation which the standing committee made, which was to find a way for Mrs H to be paid the pension of her deceased spouse. We owe congratulations to the Ombudsman, to the committee and to the ministry for pursuing this further, having the working group look into how Mrs H could be compensated and then in fact having it come forward in legislation that will ensure that Mrs H does receive her deceased spouse's pension.

I think it just shows how responsive the various ministries have been. They have made every effort to attend before the committee during my tenure as chair of the Ombudsman committee to find and pursue a way that Mrs H could be compensated. They felt, as I recollect, that they could not force the pension fund to pay her, so they made legislation to enable her to be paid. Rather than perhaps slap them on the wrist, we should be congratulating them today.

Although it has taken one year since our recommendation, I think that we all would think that is a fairly expeditious process in the legislative agenda and that we should all revel in the fact that she will be paid and she will be paid when this goes through the legislation. I just wanted to add those few comments.

**The Acting Speaker:** I thank the honourable member for Scarborough Centre and apologize for not recognizing her on rotation.

**Mr Philip:** I want to thank the first two speakers. I know that both of them did listen to my speech, that both of them always listen to my speeches, that both of them try to understand my arguments and that regardless of which side of the House they are on, they were both being attentive. I appreciate their comments.

With regard to the valuable contribution of the member for Scarborough Centre, I can say this, first of all, that this bill does not affect Mrs H because this bill does not deal with teachers' superannuation, but with public servants' superannuation. In regard to the particular recommendation of the Ombudsman, the fact is that this government ignored the recommendations of the Ombudsman, it ignored several recommendations of the committee that could have solved the problem for a very senior widow who was in a dire situation and who deserved on the merits of the case to be compensated. This government

turned its back on her, and I think that my argument still stands.

I do not in any way question the fact that the member for Scarborough Centre did have a personal concern, as did all members of the committee, for Mrs H. But Mrs H will not be helped by this legislation and Mrs H certainly is not being helped by the Liberal government's failure to implement the recommendations of either the Ombudsman or the members of the committee, of which the member for Scarborough Centre was one and was quite sincere in trying to get a solution, and I compliment her for that.

The government did not listen to her or to other members of the Liberal caucus in dealing with the problem, nor did it listen to the Ombudsman. So I think that it does show that while certain members, such as the member for Scarborough Centre, are sincere in trying to get some changes, whoever is running things from the Premier's office does not seem to be listening to them, any more than the government is listening to the public servants in this province.

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**Mr Pouliot:** I take no particular pleasure in partaking in this debate, but I feel compelled to. Some people have to defend the rights of colleagues who have served the public, who have served the province for many, many years, the people who really run the show. Once people like ourselves, as legislators, pass legislation—it is our duty—they are the people who carry the will forward. They monitor compliance, ensure an orderly society and do so without complaining.

They may toil for 10, 15, 20 or 25 years, and in some cases 30 or 35 years or more, unlike people in this Legislature who I understand maximize their pension benefits after a relatively short 15 years. As I read the benefits available to members, I further understand, and I stand to be corrected, that it is the most lucrative three years for members of this House. I also understand that it is through the Speaker's office that indexation takes place for members of this House; it will be adjusted at the discretion of the Speaker.

It is very straightforward and very simple. It is a short term by any standard, 15 years, and it is vested after five years and indexed via the mechanism or the vehicle of the office the Speaker occupies. The same does not apply for the public service. What the government intends through Bill 36 is to charge an additional one per cent in contributions. When you get the paycheque, instead of paying seven per cent of the money you earn towards your pension plan, you



will now pay an additional one per cent, so it makes it eight per cent of your paycheque.

The government tells you that you will be fully indexed or that you will be indexed to the tune of eight per cent. There are some welcome provisions: If you have a six per cent inflation rate, the consumer price index going up by six per cent in one year, yes, you will be able to bank two per cent in case of a rainy day.

What the government does not tell you is that it is unable to produce a statement. I would not mind too much if it took seven or eight per cent of my paycheque towards my retirement. I would see it as deferred wages. For every hour that I worked—in this case, for the government today—I could look to the future with a degree of comfort because I would know I was investing eight per cent.

Is it not normal to ask, since it is taking eight per cent out of my paycheque, Where it is going? How is the money being invested? Am I getting a competitive rate? Am I getting a T-bill, a Treasury bill? Am I getting a maturity of three, six months or a year? Am I getting guaranteed investment certificates? Am I getting strip bonds where the coupons are stripped through a government vehicle? Where is my money going? Was it invested in a trust fund? Is there any front-end load? Are there any penalties? Do I have any options?

But no, for the money I give I do not get a statement. I get a statement, sure, telling me how much money I have in the fund, but I do not have a statement that the money has been invested in A, B and C. The teachers do. The teachers get a full statement. There is \$14 billion in that fund. They get a statement. They know where they stand. They know what their money is doing for them. But we all know that through the years, for more than a decade, the government was very apt at taking the contributions from the workers for its own financing, to finance the needs of Ontario, in lieu of going to borrow it in the marketplace.

Very often, year after year, and this is a fact, it compensated the employees to the tune of the difference. It was about three per cent. If the employee would have gone to the Royal Bank or Royal Trust, she or he would have got a full three per cent more.

The government claims it was paying their shares. You do not have to be a mathematical genius like my distinguished colleague the member for Sault Ste. Marie, a PhD, a person of consequence emanating from the Massachusetts Institute of Technology. His figures will attest

that on a compounded basis the share of the government became increasingly insignificant. In other words, as the money kept accumulating, it did not cost the government anything to guarantee what the plan would be. Now the government says, "We are going to go from seven to eight per cent of a paycheque."

Where were they in yesteryear? They have a responsibility and it is not to fleece. It is not to pick the pockets of employees, those people who have served them so well. This is highway robbery. Where did my money go for the 10, 15, 20 or 25 years I have toiled for the betterment of my fellow man? What have they done with the money? Where has the money gone?

**Mr Ballinger:** Security.

**Mr Fleet:** Fearmongering when you suggest fleeing.

Interjections.

**Mr Pouliot:** They would not dare do it for their own pensions.

These people are not talking about the most lucrative three years. They are not talking about parliamentary assistants. They are not talking about chauffeur-driven ministers. A cynic—I am not the one saying this—would go as far—this is the kind of invitation being sent as to what that this kind of legislation entails. It invites people to say in a worst-case scenario that the minister is paying for his pension with the funds being made available through his employees.

I do not accept that. I cannot. I would say those people are going too far to suggest that a minister of the crown, in order to subsidize his pension, would take it from his employees. The scenario is too facile. Regardless of the government of the day, this one or the ancien régime conservateur, that position would not be justified because it is not deliberately and systematically done, but it is done nevertheless.

I had the opportunity to respond to an invitation to debate what is being proposed, what is being done today, in the prominent and striving city of Thunder Bay. I was asked by employees: "Where is my statement? I have been working for the Ministry of Natural Resources for 25 years." It is said: "Your courage is great indeed. You shall benefit." They have asked me: "Mr Pouliot, where is my money going? What is it doing? Is it doing eight per cent, seven per cent? What is happening?" I said, "Give me a statement and we will do it together." They turn with a passion and a vengeance to the minister and to the parliamentary assistant and also to the Minister of Natural Resources (Mrs McLeod) and those people were very disappointed.

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It is as if every day of dedicated service was not being recognized. All they wanted—a reasonable request—was fair play. They wanted the proof that their money was invested wisely. I repeat for the benefit of the House that had the money, the hard-earned cash from the workers been invested at market rate—no, not junk bonds, not fly-by-night promotional items, but security guaranteed by the government of Canada, guaranteed investment certificates and preferred not common shares from our chartered banks—in proven vehicles and returns, not only would their benefits for decades have been enhanced by three per cent, but if that had been matched by the province of Ontario, I suggest to members very strongly that we would be facing a decrease in contributions.

We would go from seven per cent maybe to five per cent, a two per cent decrease as opposed to the negligence of saying: "We want more. You are now paying seven per cent but we are going to pick your pocket for one more, so that is going to make it eight per cent, the reason being that we gave you three per cent less on your money year after year. That is what we have done to you. We gypped you, we really did, because it was wiser and cheaper for us to take the money from your sacred pension plan than to go to the marketplace and issue debentures to the general public, because the public would not take those debentures at three per cent less, for you were not competitive."

It was much easier to go to the civil servants and like sacrificial lambs, believing that what was being done was the best way, they trusted. Some of them were sceptics but let's face it, who were they—that is what the government said—to complain. They had a contract. The government did not even bother giving them a statement.

The government told them it had invested so much money at three per cent and that is what it was getting them. You go to the civil servants and they are upset and rightly so because they are not getting value for their contribution. They never had a say about the money they themselves contributed. Tomorrow, the government will do it again. It will do it to the poor teachers of this province. The civil servants, the teachers, where will the government—

**Mr Ballinger:** Come on. Give us a break. Fully indexed pension with no contributions. What are you talking about?

**Mr Fleet:** Nonsense.

Interjections.

**Mr Pouliot:** It seems this government is insatiable. It never has enough. The 25,000 or 26,000 people in Hamilton told the government to a person: "We are not going to take it any more. You have gone too far with our money. Take the \$14 billion in the pension fund and roll it into the other bank account and you will have more than to satisfy the projection of one, two or three different studies."

It is not a very good day. With good management, vision, basic economic knowhow and dedication to expertise, this legislation should be a cause for celebration. It should read that "effective as soon as possible or immediately, the recipient of the benefit will also enjoy, since his money has been well administered, a decrease." That is not what it says. It is an appalling and shocking one per cent.

Again, I am searching long and hard to commend the government, but I really think it deserves to be and shall be judged very harshly because what this proposal does is nothing short of—at a time where constraints and restraints are being contemplated, the future does not look all that promising. It is simply one per cent less on the tables of the contributors in the province of Ontario.

**Mr Runciman:** I originally responded to the announcement in the House by the Treasurer some time ago, and certainly not as the Finance critic, but there is a tendency—one which I do not agree with—on this side of the House to respond to every statement the government makes.

When one is dealing with complex matters such as pension reform, I think perhaps it might be wiser in some situations to pause to reflect upon the implications of the announcements being made, but in this particular instance I had the ministerial statement tossed in my lap and I gave it a quick read and made a response. In essence, I indicated that at first blush it struck me as a responsible initiative on the part of the government.

I have some reservations. I do not purport to be an expert on this legislation. As members know, we have a limited number of members on this side of the House and I myself am critic for three ministries, so it is difficult to keep on top of the various pieces of legislation that pour before us. We do have some reservations, but generally I have not changed my first conclusion in respect to the one per cent increase in contributions especially.

Interjection.

The member for Etobicoke-Rexdale can talk about this, but let's look at it from the



perspective of most Ontarians. We know that most Ontarians do not have a benefit plan or pension plan. We know that most Canadians do not have a fully indexed pension plan, as the public service does in this province. I guess we have some difficulty with the demands being placed upon us as legislators.

There is no question that the Ontario Public Service Employees Union and the teachers form a very potent political force in this province and can exert a great deal of pressure on all of us. We have been witnessing that over the past couple of months with the letters and postcard effort being undertaken by the teachers and others, and indeed, as the member for the socialist party indicates, we are going to see an increase in the pressure. I do not doubt that whatsoever.

I think we are here, in my view, to try as best we can to represent the interest of all Ontarians. The bottom line here, of course, as has been pointed out I am sure in the past, is that taxpayers are the folks who are making the contributions. We talk about the government, but in essence we are talking about the taxpayers of this province. We have a great deal of them, a great many people in this province, who are contributing through their taxes to a very fine pension plan.

The teachers' plan is perhaps one of the best pension plans, if not the best pension plan in North America. We have many people in this province earning poverty level wages, certainly significantly lower wages than many people in the public service and in the teaching profession, contributing to this plan. As I said, it is one of the finest in North America.

I ask the teachers and the public servants in this province to reflect upon what they are saying to all of us as legislators and what they are saying to the people of this province in respect to where they stand on the social scale and the kind of lifestyle we all would like to see, but I think at the same time we have to be responsible in the demands we place upon the public Treasury.

I want to talk about the investments. I know there has been some criticism and perhaps there is some merit to this. The ancien régime conservateur perhaps does have to assume some of the responsibilities in respect to the investment decisions made, but there is no question that the fund was risk free. They were no-risk investments so that indeed the public service pension fund was protected. There can be some disagreement in respect to this.

I think the member for Sault Ste Marie described the fund as a cash cow for government. Again, we can talk about that as well in

respect to the funds and the significant contribution made to that fund by the taxpayers of this province.

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If we want to look at the other side of the coin, and it would be fair to do that, I think we have to look at the government when it is looking around to borrow funds and looking at the market and looking at the availability of funds to finance government projects. I think it is quite fair to take a look at that kind of a fund which has been built up to a significant extent by the contributions of taxpayers through their taxes, so that if, indeed, to finance any kind of a project—a highway project or what have you, some sort of a capital investment—the government of Ontario can receive some sort of benefit in terms of interest rate through drawing upon those dollars, with some restraint being exercised, obviously, it is not an unfair approach. I think we have to look at that side of the argument as well, if we want to be fair to the plan's administrators of the past.

When we talk about unfunded liabilities, of course, again, we are talking about the burden falling on the taxpayers of the province.

I was a little concerned when I noticed that the government had appointed Malcolm Rowan to chair the committee looking at the investment of the public service pension funds because Mr Rowan is someone I recall from his days as a very important public servant in the government of Ontario. Mr Speaker, you will recall our colleague from Prince Edward-Lennox, Mr Taylor, and his views on Mr Rowan. Mr Taylor often said that during his tenure as a cabinet minister he was mugged in the corridors of power. He attributed that to no insignificant extent to one Mr Rowan.

My fondest recollections are of Mr Rowan as one of the major architects of the government's investment in Suncor. Mr Rowan was the Deputy Minister of Energy and the rumour mill had it—although we never really were able to determine who came up with the original idea to have government-run gas stations in every corner in Ontario—that Mr Rowan was indeed the chap with that terribly bright suggestion, which I guess has cost the taxpayers at least \$500 million.

I can stand here and speak about it because I was the lone member of the Conservative caucus at the time who disagreed with that decision. Time has borne me out in respect to that particular decision. So I must admit that I have some reservations when I look at the current government relying upon Mr Rowan, the man who made the recommendation to invest in

Suncor, to tell it how to invest public service pension funds. I think we should perhaps look with a slightly jaundiced eye at Mr Rowan's recommendations in that respect and take a look at his past service record and the result of some of the investment recommendations he has made to the government in the past.

I think the indexation formula is certainly a generous one. It is not one that members of this House enjoy and I do not believe we should, given the current climate in respect to individuals, residents of this province, not having pension plans.

As we know, the Minister of Financial Institutions at some point in the not-too-distant future is going to be bringing in legislation dealing with private sector plans and indexation and perhaps we should be taking a look at the formula at that point in light of the formula that was awarded many years ago to the public service and the teachers of this province. I think we are seeing more and more people, more and more private sector employers, moving away from defined benefit plans because of the horrendous red tape. The efforts of this government, especially in respect to initiatives regarding indexation, whereby they are moving more and more people out of the defined benefit field and into defined contribution plans, in many respects are unfortunate.

I share my colleague's views that it would be helpful if this legislation went to committee so that the public service and others who have some concerns and some views to air have that opportunity. But overall, with concerns in respect to the public service having a voice at the table in respect to management of the funds, I believe we can indeed support that sort of thing.

I see by the notes given to me that one of the options is that it become a member-run plan, with the decisions being made by members' representatives, and the key here is that the members themselves would be responsible for any future deficit. Again, speaking for myself and certainly not the party, because I do not know the critic's views in respect to that particular proposal, I find that attractive.

Generally speaking, we believe the government is acting in a responsible manner. We believe it should go to committee, at least to provide the public service and others with the opportunity of having their views placed on the record.

**Mr Morin-Strom:** I would like to respond to the remarks of the member for Leeds-Grenville.

I assume the member indicates that at this point the Conservative Party will be supporting this bill. That seems to be a bit at odds with what the Conservative Party critic's position had been. This member is known for his views being opposite to the views of the New Democratic Party and it is quite fascinating to see the level of support that this member's views are able to generate from the back benches of the Conservative members who are here with us today. I would ask the member how his campaign for the leadership is going and whether he has hopes of bringing some of the right-wing elements of the Liberal Party on side with him, because it is quite clear that their inclinations are very much in line with this particular member's views when it comes to these and many other economic and social matters.

**The Acting Speaker:** That sounds a bit risky.

**Mr Ballinger:** I would like to compliment the member for Leeds-Grenville. I, in no way, shape or form, could be considered right wing, as the previous member said. I think we should compliment the member for Leeds-Grenville for the insight and the fortitude he used a few moments ago in his speech. I am absolutely amazed that he recognized that the way to rectify a previous mistake is to do what is necessary.

I guess one of the problems I have had in listening to the NDP caucus is that the whole argument has been consistently that the government is going to extract out of the wages of the employees one per cent. I believe the member for Leeds-Grenville put the whole issue in perspective: that it is a partnership; it is one per cent from the employees and it is one per cent from the taxpayers of the province of Ontario.

**Mr Pouliot:** You can use this in your newsletter.

**Mr Ballinger:** I am going to use this in my newsletter, because I think it is a reasonable argument. I think, quite frankly, the member from the PC caucus surprised me. I must admit I am surprised. I was absolutely amazed and I want to say to the honourable member that I think he is turning over a new leaf in this Legislature. I do not think it has anything to do with left wing or right wing; what it has to do with is a reasonable ability to recognize a piece of legislation that makes sense.

I want to compliment the member for Leeds-Grenville and request that he keep up the good work on behalf of our side.



**Mr Runciman:** I regret that the member for Durham-York (Mr Ballinger) did not comment on my effort to parler français. Having all those compliments thrown at me from the member for Durham-York, I would like to have some time to reconsider my contribution to the debate.

In respect to the member for Sault Ste Marie suggesting that half of the Liberal caucus is to the right of centre, who knows? I certainly know that very few members of the executive council would be described as being to the right of centre in any way, shape or form. I think I have said over the years that some of the key players in that fearsome foursome certainly would, in my view, feel much more comfortable with my socialist friends. As I have once again pointed out, the Attorney General (Mr Scott), which I like to at every opportunity put on the record, is a former fund-raiser for the New Democratic Party.

**Ms Bryden:** My colleagues the member for Sault Ste Marie, the member for Etobicoke-Rexdale and the member for Lake Nipigon have done a very excellent job of pointing out the reasons why this party is voting against this bill, but I have further reasons that I want to bring before you.

This bill is the worst bill on pension rights that has ever come before this House. It takes away more rights than it grants. It is also the most shocking piece of legislation to come before us with the name of the Chairman of the Management Board of Cabinet (Mr Elston) as the sponsor. The Chairman of the Management Board is supposed to be the man or woman who runs the show, keeps the government ticking and engages in working out the government's relations with its public servants—its employees.

This bill affects 85,000 of the government's employees, or former employees, but the minister leaves it up to his parliamentary assistant, the member for Oakwood, to introduce the second reading of this bill. I am shocked that the Chairman of Management Board did not consider it important enough to introduce this bill himself as the chief employer of the government's 80,000 to 90,000 employees. I would have thought he would have considered it an obligation to lead the debate and to speak to those 85,000 public servants who are affected by this legislation.

This legislation arbitrarily requires pension plan members to pay an additional one per cent of their salary on top of the seven per cent they already pay. It does this unilaterally and with no improvement in benefit levels to the public sector employees working for the province of Ontario.

I am very surprised to see a Liberal government bringing in this kind of pension legislation, with no opportunity for making pensions a matter for collective bargaining. The government, under this bill, will retain total control over the management of the pension fund. It has rejected the idea of a partnership between the government and the contributors in administering this plan. Instead, it has brought in legislation which does nothing but create a conflict of interest. The government is acting both as legislator and employer.

It is not what one would expect from a small-l liberal government, but this Liberal government is showing us more and more clearly every day that it is no longer a small-l liberal government, if it ever was. This legislation is part of an alarming trend that we are seeing more and more clearly. It illustrates that the Liberal government does not believe in negotiating with its employees. It does not believe in collective bargaining on employees' pension rights. It does not believe in fair treatment of its employees, it does not believe in developing a good employee/employer relationship.

I would have thought that a Liberal government would give leadership in those kinds of fields, but obviously this is not that kind of a Liberal government. It does seem to believe in revenue grabs and so it picks one of the most vulnerable groups of employees in this province to make another one of its many revenue grabs. The provincial Treasurer grabbed \$1 billion in taxes two years ago and another \$1 billion this year, after an election no-tax period.

This is another grab to make the employees pay for past maladministration for the pension funds, to make the employees pay for poor investments, to make the employees pay for what may be only an opinion by an actuary but are called actuarial deficits. These deficits should never have occurred if the plan had been properly managed. A government which expects its employees to pay for its financial mismanagement of its pension funds is not a fair government. It does not treat its employees like human beings. It is hitting many vulnerable people, people on small wages.

There are many other things in which it is not playing fair. In my time tomorrow I intend to talk about the issue of indexing. It is not giving us full indexing, it is not giving us the control over any future surpluses that grow up in pension plans, if the actuaries prove wrong or if the situation changes. It is not giving us full pension rights for all classes of employees, including many casual

employees or contract employees. It is not giving adequate improvement in benefits which could be possible if it had not mismanaged the funds in the past and had considered other forms of investment.

Those are some of the criticisms of the bill which I intend to pursue in my comments tomorrow or whenever the debate continues. I

think we have to look very carefully at this legislation and hope that we can defeat it and get proper pension legislation protecting all the public servants who will be covered by it in a much better way.

On motion by Ms Bryden, the debate was adjourned.

The House adjourned at 1759.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaitre, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwint, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 65

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Tuesday 7 November 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 7 November 1989

The House met at 1332.

Prayers.

## MEMBERS' STATEMENTS

### EDUCATION OF HEARING-IMPAIRED

**Mr R. F. Johnston:** In June 1988, this House passed a resolution that I presented to do with a review of deaf education. One of the reasons for so doing was that in all our provincial schools, of the 170 teachers, only a handful were actually deaf themselves. That inquiry has been proceeding for a long time.

I have just learned that this last spring the Robarts School in London decided to hire four new positions and brought eight people to be interviewed, three of whom were deaf, which is very progressive, and then ended up hiring four hearing people to fill those positions. I believe that is unthinkable at this time. Even more unthinkable is the fact that a senior bureaucrat here indicated that there was no need for an investigation of this; they had clearly just chosen the best people.

What is this government's view of affirmative action, role models and employment equity? What kind of slap in the face is this to the deaf community at this time, especially now, when we put it together with the fact that the government has had in its hands both the internal and external reviews that have been done, which I believe make serious recommendations in this area, and yet it has suppressed the release of these reports to this day?

I am asking the Minister of Education (Mr Conway) to have an inquiry into why these positions were filled by hearing people and why none of the deaf people, including Jan Collie, who is now going to the Ontario Human Rights Commission, was hired for this position. In my view, it is just unthinkable.

### REMEMBRANCE DAY

**Mr J. M. Johnson:** On Saturday this week we will once again celebrate Remembrance Day. This year, 1989, also marks the 50th anniversary of the outbreak of the Second World War, a conflict in which 50 million people lost their lives. As we know, each year on 11 November,

throughout the world nations pause briefly to remember those who gave their lives fighting for their countries. In communities across Canada, the day is marked by solemn ceremonies in commemoration of those who were killed in action during the two world wars and the Korean War and to pay tribute to those who served in the Canadian Armed Forces.

In keeping the spirit of Remembrance Day alive, the Royal Canadian Legion has played a leading role. I would like to pay tribute to all members of the legion, not only for their efforts in preserving the significance of Remembrance Day but for the outstanding contribution they make to the improvement of life in our communities across this province and throughout our great country.

### TELEMARKETING

**Mr Tatham:** The cuckoo bird comes in many sizes, from about 16 centimetres—six and a half inches—in the glossy cuckoos, to about 90 centimetres—36 inches—in the larger ground cuckoos.

The one habit for which the cuckoos are best known is the habit of laying their eggs in the nests of other birds, to be incubated by the foster parents, who rear the young cuckoo. To enhance the survival of the young cuckoo, they practice egg mimicry. The young cuckoo also heaves from the nest its foster parents' own eggs and nestlings.

So, junk fax in the form of unsolicited flyers for such things as restaurant menus, aluminum siding, flowers, etc. While the fax machine is spewing out unsolicited material, the machine is tied up, making it harder for owners to receive urgent documents or send material. The recipient of the unsolicited junk fax must pay for the electricity used to complete the transmission. The recipient must pay for the special thermal fax paper that is used up for the flyers. The cost of this special paper ranges from three to 10 cents a page. Moreover, using up paper at the receiving end leaves some machines unable to copy overnight messages.

Do you want any cuckoo eggs in your fax?

### WORKERS' COMPENSATION

**Miss Martel:** It is time again to raise the matter of compensating workers from the Gener-



al Electric Canada Inc Dufferin Street lamp plant. After the union publicly raised concerns of excessive breast and uterine cancers among workers in the coil and drawing department, a cancer study was finally undertaken. This occurred in 1982. It was funded by the Ministry of Labour, the company and the Workers' Compensation Board and was conducted by specialists from McMaster University. In November 1986, the study was released and it showed a relationship between the cancers and work in the coil and drawing department. GE immediately attacked the results, even though the company had agreed to partially fund the study.

The study was referred to the Industrial Disease Standards Panel to seek a collective ruling and criteria for compensation of workers. In February 1989, the panel shocked the unions and the workers involved by announcing that there was not a probable connection between the cancers and the workplace. The labour representatives on the board opposed the majority and demanded immediate compensation of the workers.

The panel reported to the WCB, and the board then called for submissions to be filed in response. The unions involved were denied the opportunity of meeting directly with the WCB board of directors on the matter. On 10 October I was advised by Dr Elgie that the board's recommendations would be presented to the board of directors and then published in the Ontario Gazette. I am not sure when this will occur.

It is high time the government told the WCB to compensate these workers and it is high time the panel was dissolved and replaced by a bi-partite group truly concerned with compensating workers with industrial disease.

#### ELECTION IN NAMIBIA

**Mrs Cunningham:** I would like to take this opportunity recognize the first free elections set to take place in Namibia, today through Saturday.

Namibia is the last colony in Africa to seek independence. Although originally a German colony, Namibia has for the last seven decades been under South African rule. This sparsely populated colony is located on the southwest African coast, and today over 700,000 registered voters will be able to participate for the first time in casting their ballots for a preindependence, 72-member constituent assembly. This vote marks another first, and it is the first time that a

colony is guided to independence under United Nations sponsorship.

Ontario is helping to make this transition easier. Warren Bailie, Ontario's chief election officer for over seven years, is in Namibia today as one of 40 Canadian election supervisors for the United Nations transitions assistance group. This group is the integrated military-police-civilian operation overseeing Namibia's transition to independence.

In Namibia, the Canadian team will join 34 other countries in providing international election supervision. We wish them the best.

#### GROUP HOMES FOR AUTISTIC CHILDREN

**Mr Daigeler:** I am very pleased to note that workers at four Ottawa-area homes for autistic children have ratified a new contract. Many concerned parents had contacted me, fearing the possibility of a strike.

Autism, as members may know, is a very difficult illness that requires very close personal attention by staff. In my riding of Nepean there are two group homes for autistic children, which have become well integrated in the community. A strike at these homes would have placed a tremendous burden on parents, but also on the neighbourhood, which could have seen labour strife in residential areas.

#### 1340

Fortunately, this situation has been avoided, with the workers having voted unanimously over the weekend to accept a new three-year contract. The new contract provides a seven per cent wage increase retroactive to 1 April, followed by a five per cent increase on both 1 April 1990 and 1 April 1991. In addition, workers will receive top-up increases of about 10 per cent from the Ministry of Community and Social Services.

This praiseworthy initiative is part of this government's efforts to bring the wages of all social service workers in line with provincial standards within the next five years.

#### CHARGE UNDER ABANDONED ORCHARDS ACT

**Mr Allen:** The Minister of Agriculture and Food (Mr Ramsay) continues to harass a 72-year-old farmer and his ailing wife under the Abandoned Orchards Act, in spite of the fact that I demonstrated quite clearly to him by sending him contracts showing that this orchard in fact continues to be in commercial production. He told me he would get back to me with a full answer. I waited a week; I got no answer. I asked

the minister; he said he would give me a full answer the next day.

When I asked him about that the next day, what I got was a suggestion that the lawyer of the party concerned should contact the legal department of the ministry, so I assumed that there would be some message that would be conveyed. The lawyer contacted the legal party in the ministry to discover that the party knew nothing about the issue as I had raised it. I contacted that person later and discovered that the minister, as late as yesterday, still had not handed on the contractual evidence that indicated that he was proceeding illegitimately and improperly under the Abandoned Orchards Act, which requires that there be a demonstration that for two years this orchard has not functioned in a commercial fashion and provided fruit for sale in the commercial market.

I want to ask the minister why it is he is beginning his ministry in such a questionable fashion, pursuing an elderly gentleman and his wife under a piece of legislation where there is no warrant for his taking any action whatsoever.

#### ENVIRONMENTAL AWARDS

**Mrs Marland:** It is a pleasure to recognize this year's winners of two major Ontario environmental awards.

First, our congratulations to the winners of the Lieutenant Governor's Conservation Awards. In the individual category, Michael Perley and Adele Hurley of the Canadian Coalition on Acid Rain are honoured for their role in bringing about legislation to curb acid rain in both Canada and the United States. In the corporate category, Ontario Multi-Material Recycling Inc is the winner. This organization, which was established by Ontario's soft drink industry, voluntarily contributed \$20 million to the development of the blue box program.

Second, I am pleased to recognize the winners of the Waste Minimization awards. As MPP for Mississauga South, I am especially proud that the city of Mississauga has won the award for outstanding municipality. Congratulations to the council and residents of Mississauga, whose team effort has led to the recycling of 12 per cent of residential garbage. Our congratulations as well to the other winners of Waste Minimization awards, Halton's Recycled Resources; Lynne Ingham; Frank Bailie; Boeing Canada, de Havilland division; Domtar Fine Papers; again, Ontario Multi-Material Recycling Inc, and finally, St Mark's Presbyterian Church, Don Mills. I

am sure all members join me in commending the efforts and success of these winners.

#### VIDEO PIRACY

**Mr Faubert:** While the days of pirates on the high seas may be a thing of the past, piracy remains a common practice in the video business. In fact, the Canadian Motion Picture Distributors Association estimates that illegal infringement of copyright costs the industry worldwide \$1.3 billion. Here in Canada, where it is estimated that 12 per cent of all videos rented are illegal, the industry loses between \$10 million and \$15 million per year.

Video piracy hurts consumers because the quality of most pirated tapes is inferior to the original. Even worse, it hits honest manufacturers, distributors and retailers, who lose revenue.

In order to compete on a level playing field, some honest retailers and distributors are tempted to deal in the pirated video market or raise their prices. Either way, consumers lose. When one considers the amount of lost retail sales tax revenue, taxpayers in Ontario and across the country take a further loss from this activity.

Some progress has been made. Fines for video pirating have been substantially increased in the last year, which has reduced the illegal activity to some extent, but the business still remains lucrative.

A pirated tape is usually easy to spot. The label on the box or tape may be a photocopy. Poor image and sound quality is another clue. If a consumer suspects he has come across a pirated videotape, he should call the toll-free hotline to the Canadian Motion Picture Distributors Association at 1-800-363-9166.

I would also urge that Ontario follow the example of other provincial jurisdictions and institute a system of title registration of videotapes to help detection and stop this consumer ripoff.

#### STATEMENTS BY THE MINISTRY

##### LAND TRANSFER TAX

**Hon Mr Mancini:** On 18 July of this year the Minister of Revenue tabled for first reading Bill 48, An Act to amend the Land Transfer Tax Act. The main objective of Bill 48 is to reduce land transfer tax avoidance schemes.

Following first reading of the bill, certain administrative refinements to the bill and complementary changes to the regulations were considered appropriate.



The first category of changes relates to unregistered dispositions of land which occur in the course of corporate reorganizations. Several other taxing statutes, for example, the Retail Sales Tax Act, the Corporations Tax Act and the Income Tax Act of Canada, provide specific deferrals or exemptions where assets are transferred between corporations and the underlying control of the corporations is in the same hands.

The administrative refinements which are being outlined in this statement acknowledge the need for the provisions of Bill 48 to be more in line with the tax treatment that such transfers receive under other statutes. Accordingly, relief will be provided from taxation of certain unregistered transfers between corporations within the same corporate group.

In order to obtain the tax relief, an application for deferral of the tax must be made and accepted. The underlying control of the corporate group must continue in the same hands, and the interest in land must remain within the corporate group for three years following the disposition. This proposed change will remove a potential extra cost in many corporate reorganizations, including corporate windups and corporate rollovers.

Tax relief will also be available in some cases where shareholders of a corporation divide its assets in a reorganization. This relief will only be available regarding dispositions from one corporation to another and will also require an application to the ministry for exemption from the tax.

I would note that because Bill 48 deals with only unregistered dispositions of an interest in land, there will be no change in the tax treatment where the transfer is registered. Tax will continue to be paid on the registration of conveyances under the existing provisions of the Land Transfer Tax Act.

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In order to provide as much consistency as possible between the existing provisions of the Land Transfer Tax Act and the provisions that are proposed to be incorporated through Bill 48, the deferrals, exemptions and refunds of tax that are provided for in the existing act with regard to registered transfers will be made available regarding tax arising under the provisions of Bill 48 for unregistered transfers.

Some technical amendments to the bill will be put forward which, subject to passage and royal assent, will permit regulations providing relief from taxation in certain cases of sales of units in mutual funds and certain changes in partnership

interests. Specifically, units of mutual funds listed on a recognized Canadian stock exchange or traded pursuant to a prospectus approved by a Canadian securities commission will be excluded from the provisions of Bill 48. Changes in partnership interests in any one year that do not exceed five per cent of the right to profits will also be excluded.

As well, the requirement that every trustee of an interest in land report any changes of any beneficial ownership of land will be revised to permit one trustee to report on behalf of other trustees of the same interest.

Finally, the changes will also provide that transactions pursuant to agreements that were reduced to writing and substantially advanced by 18 July 1989 will not be subject to the terms of Bill 48.

I shall be proposing amendments encompassing the matters referred to when the bill goes to committee.

### ANNUAL REPORT, ONTARIO ADVISORY COUNCIL FOR DISABLED PERSONS

**Hon Ms Collins:** I am pleased to table the 1988-89 annual report of the Ontario Advisory Council for Disabled Persons.

Members of the advisory council bring to their appointments a wealth of expertise and experience on disability issues.

This year, council has placed a special focus on employment issues and the disabled community. Because of the magnitude of this project and the amount of detailed information that must be collected, the employment study project will continue into the new year with publication of the final report in the spring of 1990.

Council is currently reviewing the advantages and disadvantages associated with legislated and voluntary employment equity programs, including the use of goals and timetables, the impact on small businesses and measurements of effectiveness. After its thorough review of these issues, council will be able to provide thoughtful and helpful advice on the implementation of effective employment equity programs.

I want to say that since my ministerial appointment, I have found the Ontario Advisory Council for Disabled Persons to be a strong support. In particular, I want to thank the outgoing chairperson, Ron McInnes, for the leadership and direction he provided in his appointment over the past four years.

Our new chairman is Robert Loveless, and assisting him are vice-chairpersons, Anne Mus-

grave, Nancy Stone and Sharon Hoenen. Mr Loveless is present in the Speaker's gallery this afternoon, and I am delighted to acknowledge his presence with us. I look forward to working closely with Mr Loveless and indeed with all 17 members of the Ontario Advisory Council for Disabled Persons in the coming year.

## RESPONSES

### ANNUAL REPORT, ONTARIO ADVISORY COUNCIL FOR DISABLED PERSONS

**Mr Allen:** Responding to the Minister without Portfolio responsible for disabled persons (Ms Collins), I first of all want to say that the advisory council has indeed served this province extremely well. With the leadership of Ron McInnes, whom I knew in that capacity for a number of years, I saw someone who exercised great vigour, imagination and energy in discharging his duties and in leading that council through a number of major reports that signalled the outstanding agenda we had to attack with respect to the problems of disabled persons in this province.

Robert Loveless, who has taken over from him, has a distinguished career with respect to his advocacy for the disabled and I look forward to an equally energetic leadership from him as well.

May I say that the challenge is a growing one, because as medical advances proceed and as medical technology advances, our capacity to maintain the lives of people who otherwise might not have stayed with us has increased immeasurably, and as a result the challenge to this government is greater as time passes.

The reports of this council and the work it does are extremely important for us in setting the goals we need to meet.

I want to say that we are not entirely meeting that challenge. As I look at the circumstances of the disabled in Ontario today, I see that we have passed up the opportunity to establish advocacy systems in this province, despite two or three reports that they should be there, vigorously acting on their behalf. I see this assistive devices program which is still not fully and totally accessible in all respects to the disabled. I see a report such as *Freedom to Move is Life Itself* on the transportation question, and we still do not have full access to either special or normal transportation. Independent living: In my community there were only six new independent living apartments established last year in spite of the numbers of the disabled who are in that community.

With respect to the employment equity project, I wish them well. This is a major, complicated issue and I do look forward to seeing their report when they are finished. I am sure it will set some real landmarks for us to achieve in this province.

## LAND TRANSFER TAX

**Mr Breagh:** I would like to reply briefly to the statement by the Minister of Revenue (Mr Mancini). A number of us have been worried since 18 July of this year that the government would not provide us with adequate notice of its intentions to close some loopholes and to reduce the land transfer tax avoidance schemes.

We welcome today the statement by the minister of his great concern that in the course of corporate reorganizations, corporations would not get enough exemptions. We note today that he is providing "specific deferrals or exemptions where assets are transferred and the underlying control of the corporations is in the same hands." I myself have worried a lot about that all summer long.

I go on to read some other remarkable statements the minister has made today, that he is going to provide relief "from taxation of certain unregistered transfers between corporations within the same corporate group"—that is certainly good news for most ordinary Canadians—and that the control of these corporations must be retained in the same hands. We have worried quite a bit about that over the whole course of the summer.

We are concerned somewhat that corporations will be forced to do corporate windups, corporate rollovers and corporate butterflies. We hope they do not hurt themselves in the course of all that process.

We do note that they will, however, have to fill out an application form to get an exemption from the tax and that is certainly good news.

We are sure, of course, that the minister missed one small amendment that I am certain he will want to put in, that every ordinary citizen in this province will be offered exactly the same treatment as the corporate sector has been offered in this statement today, and men and women around Ontario tonight can begin practising their own personal corporate windups, corporate rollovers and corporate butterflies and find out where to get the exemption forms to apply for the kind of corporate socialism the Minister of Revenue has announced today. We are pleased to see such a dramatic change of stance.



# ANNUAL REPORT, ONTARIO ADVISORY COUNCIL FOR DISABLED PERSONS

**Mrs Marland:** It is indeed a pleasure to rise today on behalf of our Progressive Conservative caucus and share in the commendation and appreciation to Ron McInnes, the outgoing chairman of the Ontario Advisory Council for Disabled Persons. We truly thank him for his commitment and devotion to the people who have received the benefit of his tremendous donation of time and advice for those people in Ontario.

At the same time, we wholeheartedly welcome Robert Loveless, whom I had the pleasure of meeting at a joint committee of all three parties when we actually made the selections for the Ontario disabled awards that are coming up very shortly. We know we are equally fortunate with our incoming chairman as we have been with our outgoing chairman.

I want just for a moment to speak to the government of Ontario. When we look at the current report of the Ontario Advisory Council for Disabled Persons, for 1988-89, I want to draw the attention of the current minister and hope that she will do something about the fact that there have been a number of excellent reports prepared by the council. When we read through the most recent council report, all the way through we read the word "waiting" under "status."

## 1400

One of the most important reports that came out in the past few years was Independent Living: the Time is Now. This is the report that deals with attendant care for people in this province with disabilities. In that report there is a very strong emphasis that whether people are disabled or not, they should have the freedom to choose the most appropriate lifestyle for themselves, and that if that requires an attendant care program, they should also choose who that person is.

Under the status of that report, which came out in 1987-88, it is still a matter that the Minister of Community and Social Services (Mr Beer) is "currently reviewing." It says, "Council looks forward to announcements of new funding initiatives and new methods of delivery for the provision of independent living assistance, particularly in the workplace.

It is the same story when we go on to transportation, with a really excellent report called the Freedom to Move is Life Itself. That report was the result of a task force commissioned in May 1987 and the status of that report

is, "Council continues to urge full implementation of all the recommendations contained in the report."

It is the same story when we go over to the guardianship and advocacy review. That review includes the review of a report by Father Sean O'Sullivan, You've Got a Friend. That was his tremendous report on advocacy for vulnerable adults. Again, the status of that report says, "Council awaits with interest the results of the deliberations of the Ontario Guardianship and Advocacy Review Committee and, meanwhile, urges the government to adopt the report's recommendations and use them as the basis for legislation."

We also, on behalf of the Ontario Advisory Council on Disabled Persons, urge this Liberal government to take some action and not continue just reviewing.

## LAND TRANSFER TAX

**Mr Pope:** With respect to the statement by the Minister of Revenue (Mr Mancini), I think it is clear that the direction the Treasurer (Mr R. F. Nixon) has sought to bring this province to with respect to tax policies and tax grabs on the average working person of this province is erroneous.

It is clear now that the administrative apparatus with respect to the Minister of Revenue's implementation of the Treasurer's directions is all screwed up. We now have major amendments to a piece of legislation that was introduced months ago.

For the first time in the history of this province, unregistered transfers are going to be subject to exemption applications. The bureaucracy is going to be unbelievable. Average persons are going to be caught in the middle of this bureaucratic nightmare and it is the taxpayers who are going to be paying for the salaries and for the implementation of this system, which is absolute nonsense, where the government is going to be examining every single unregistered transaction in this province through the Ministry of Revenue offices in Oshawa. Boy, talk about 1984 all over again.

## ORAL QUESTIONS

**The Speaker:** The next item will be oral questions. The Leader of the Opposition.

**Mr B. Rae:** Mr Speaker, the jacket of the Minister of Health (Mrs Caplan) is here. I am sure she is here. I have two questions for her. I will stand down my questions until she turns up.

**The Speaker:** Is that agreeable?  
Agreed.

#### ASSISTED HOUSING

**Mr Brandt:** My question is for the Premier. I wonder if the Premier could share with the House whether in fact his government has undertaken an audit of the activities between his government and Tridel Corp?

**Hon Mr Peterson:** I am not exactly sure what my honourable friend is talking about. Perhaps he can help me out.

**The Speaker:** Perhaps a supplementary?

**Mr Brandt:** Mr Speaker, without using the supplementary, could I explain the first question and perhaps enlarge on it?

**The Speaker:** In all fairness, you were very brief on that first question. I think we could allow you a very short time to place it again.

**Mr Brandt:** I thought it was a very easy question. I will attempt to ask it again and I will elaborate somewhat further in connection with the question. Could the Premier indicate whether his government has undertaken an audit of the financial activities of his government and Tridel Corp, recognizing as the Premier does that there are in fact a number of financial relationships between the government and Tridel Corp? Has an audit been undertaken as a result of certain inquiries that are going on now with respect to that entire matter?

**Hon Mr Peterson:** My understanding is that every single transaction the government undertakes is subject to audit, and not only by internal auditors but by the Provincial Auditor as well. It is all, shall we say, subject to audit.

**Mr Brandt:** There is a building Tridel owns in Aurora that, under the Ministry of Housing and the Ontario Housing Corp, receives a rent supplement for some 25 units. I want to advise the Premier that over the past five years, based on information received from his ministry, over \$1 million in grants has been provided to that particular building by the government by way of supplement. That works out to some \$760 per month average rent for the 25 units that are in that building.

On checking, find that the unsubsidized rent for a two-bedroom apartment, which is the largest apartment in the building, works out to \$576. I am only asking the Premier if he can help us to understand how it is possible for \$700 in subsidy to be paid to a 25-unit apartment building on average when the rent is advertised in that building at \$576.

**Hon Mr Peterson:** I recommend that the member address the question to the minister responsible for that.

**Mr Brandt:** Is that a redirect?

**Hon Mr Peterson:** No.

**The Speaker:** No? Final supplementary.

**Mr Brandt:** The Premier's response was almost as short as my first question. Let me try another supplementary and advise the Premier that for these 25 units, back in 1985 the company received a total of \$119,000 in rent supplements or about \$390 per unit. Two years later there were the same number of units, 25, and basically the same rents were being charged, and this company received about \$300,000 in grants. I want to advise the Premier that the earlier average I gave him of \$760 had in 1987 gone up to \$1,000 a unit.

What I am trying to come to grips with is very simply this: If you have an apartment building where the rents are in the range of \$500 to \$600, how is it possible that the direct subsidization based on the Ministry of Housing figures, which we received through a question in Orders and Notices, have resulted in a \$1,000 per unit subsidy on that particular building? How is that possible?

**Hon Mr Peterson:** I cannot speak to the specifics of that situation and nor, I am sure, would the member expect me to. Had the member really wanted an answer, I think he would have asked the minister and he would have been happy to assist him.

**The Speaker:** I see the Minister of Health is here.

#### CANCER TREATMENT

**Mr B. Rae:** I have some questions for the Minister of Health today. After I asked some questions of the minister last week about a cancer patient, I got a call last week from another cancer patient who has allowed me to use her name. Her name is Isobel Barber. She is 61 years old. She has just undergone surgery for breast cancer. According to her own doctor, her travelling and uprooting for a month could be stressful and damaging to her health. Mrs Barber is still being told by the referral service that she is to go to Ottawa for assessment, and if she does receive radiation it could be for as long as six weeks.

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Last week I asked the minister questions about patients who were being required to travel and to be away from their family for as long as five or six weeks for cancer treatment. I ask her now,



why is someone like Mrs Barber, a 61-year-old widow who is on a disability pension, being put through this kind of a system in the name of good health care?

**Hon Mrs Caplan:** I think the Leader of the Opposition knows that I understand, as do all members of this Legislature, the stress and the anxiety of cancer patients when they are informed of their need for treatment. He should know that the physicians use their very best judgement to ensure that people are appropriately treated, and I never question medical judgement.

I can tell him that the Princess Margaret Hospital, the Bayview clinic and the clinic in Hamilton are accepting new radiotherapy patients who are emergencies or who are too ill to travel. The doctors make those judgements. Any other patients from those facilities are referred to the referral office of Princess Margaret Hospital so that we can ensure that people have access to the services that they need when they need them, and that of course is our priority.

**Mr B. Rae:** This is not the first time the minister has said it is the doctors' responsibility for who gets treated where. The fact of the matter is that the minister is putting the doctors in a position where they are being asked to make some impossible choices. They are being forced to choose between patients who have massive brain tumours—and those patients are in most cases being treated in Toronto if they are from the Toronto area—and other patients who have a serious condition.

In the case of Mrs Barber, she is 61, she is on a disability pension and her husband recently died of cancer; she herself is terrified of travelling, is not at all confident about having to go through this experience, is very upset with this, and her own doctor—not the doctors at the referral centre but her own personal physician—says that uprooting her for a month could be stressful and damaging to her health.

Does the minister not realize that what she is doing with her failure to introduce the necessary changes in the health care system, to have the necessary staff on board, is putting Mrs Barber and people like her in a position where there health is going to be damaged by having to travel to get health care.

**Hon Mrs Caplan:** I would be pleased to investigate the details of this case, if the member is concerned that the judgements or the decisions are inappropriate. I know that Princess Margaret Hospital and the referral centre would be pleased to investigate the circumstances of this individual case. But I can say to the Leader of the

Opposition that we are working with the Ontario Cancer Treatment and Research Foundation, with the doctors of this province, with the Princess Margaret Hospital, the Canadian Cancer Society and Mission Air to ensure that people get the services they need when they need those services.

I know this is very stressful, not only for the patients but for their families as well, but our first priority must always be to see that people get the services that they need. If the member or the patient believes that a medical condition is not being appropriately addressed, we will be pleased to investigate it and to ensure that she is given all of the information that she needs, appropriately, from the doctors who make these medical decisions.

**Mr B. Rae:** The minister said she would be glad to look into this individual case. I can tell her that when Mrs Barber phoned her office, the member of her staff who spoke to Mrs Barber said, "What do you want us to do?" That is why people are having to use this route of asking us to point out just how serious it is and how badly care has deteriorated under the minister's stewardship.

The waiting lists were less long in 1985 than they are today. They have doubled. The waiting lists have doubled since the Liberals took power in 1985. The radiation therapy crisis took root while the minister was in charge and now people are having to wait longer, they are having to travel farther and they are having to be away from their families longer, thanks to the Liberal Party's abuse of the health care system in Ontario.

**The Speaker:** I do not know whether that was a question or not.

**Hon Mrs Caplan:** I do not accept for one moment the categorization of the Leader of the Opposition, who would politicize human tragedy, pain and suffering in families. That is inappropriate.

#### HOSPITAL SERVICES

**Mr B. Rae:** I have another question for the Minister of Health. At the St Joseph's Health Centre in London, on a recent 14-hour shift, one doctor and one nurse were responsible for 53 babies in the neonatal unit. Can the minister explain to us how that could possibly have been allowed to happen?

**Hon Mrs Caplan:** As the Leader of the Opposition knows, the hospitals of this province are transfer payment agencies. Administration is responsible for the delivery of programs and

services and for staffing levels. If he has concerns about how any hospital is operating, if he will send me that information, I will ask the hospitals to furnish us with their account, because they are accountable and responsible for the decisions they make. They are run by independent and autonomous boards of trustees who have the obligation and the responsibility to serve the communities.

**Mr B. Rae:** If it is the Canadian Cancer Society and the doctors at the cancer referral centre who are responsible for the problems of Mrs Barber, and it is the hospital that is responsible for the plight of the 53 babies in the neonatal unit who were under the care of one doctor and one nurse on a 14-hour shift, can the minister tell us what she is prepared to take responsibility for?

**Hon Mrs Caplan:** I think it is very important, as we have this discussion, that we understand exactly how our health care system functions. Hospital boards allocate the enormous resources that are made available to them to provide the services to their communities. They decide, for example, how much of the services will go to orthopaedics, how much will go to paediatrics, how much will go to neonatal intensive care.

One of the things we are trying to do within the ministry is build a programmatic approach so that in fact we can have a provincial perspective and establish provincial priorities, but the member displays a fundamental lack of understanding of the role of the hospital board and administration in partnership with the ministry as we meet these challenges for the future.

I know he would have everyone a civil servant and he would have all the hospitals run by the Ministry of Health. We fundamentally disagree with that. I have great confidence in the boards of trustees, who take their responsibilities very seriously, and in the administration that serves those boards.

**Mr B. Rae:** Would the minister agree that the nursing shortage is responsible for the fact that there were not enough nurses on the neonatal ward at this hospital at that time? Can she also tell us whether she takes any responsibility for the fact that there is a serious nursing shortage in the province? Is she prepared to take any responsibility for the fact that there is a shortage of doctors who are involved in neonatal technology in the province? Is she prepared to take responsibility, not for what happens in every instance but for the general problems which are themselves creating this situation? Does she not understand her

responsibility for ensuring that the system itself runs properly?

**Hon Mrs Caplan:** One of the things I believe in very strongly is that the ministry, in partnership with all our partners, must come together, not only to identify what the problems, issues and challenges are, but in fact to seek the solutions, and we are doing that. We have done that in a number of different areas and I am very proud of our initiatives to begin to address the systemic issues around nursing.

While hospitals determine what staffing levels are appropriate to deliver their programs, we know that vacancy rates across this province vary and vary considerably. My nursing manpower advisory committee told me that on average across the province it is under two per cent, and that is considered a very healthy labour market. We know there are some specific regional concerns and we are working co-operatively with all our partners to address the enormous challenges facing us in health care.

The ministry's role is changing from simply being the funder to in fact developing a programmatic approach, to work with all our partners and to implement the solutions that we have identified as part of our plan for the future.

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## AUTOMOBILE INSURANCE

**Mr Runciman:** I have a question for the Minister of Financial Institutions—surprise, surprise—with regard to a press conference held this morning. He is informed, I am sure, of the comments made by Professor Jack Carr of the University of Toronto, a noted economist, talking about the reduction in compensation to innocent accident victims as a result of the imposition of the threshold in the minister's no-fault plan.

He was talking about the reduction in compensation to victims for pain and suffering and loss of enjoyment of life, estimated at \$480 million, and a reduction in the compensation to victims for economic loss, \$150 million, for a total reduction in compensation to innocent accident victims of \$630 million.

**The Speaker:** The question?

**Mr Runciman:** We are well aware of the \$145 million approximately in respect to tax and OHIP windfalls to the insurance companies of this province. Will the minister explain to us why he is taking this kind of money, the \$145 million and now the \$630 million, from the innocent accident victims in this province and putting it in the pockets of insurance companies?



**The Speaker:** You finally got to the question.

**Hon Mr Elston:** I thank the honourable gentleman for the surprise question. I want to indicate, first of all, that he is not being quite up front when he says that \$143 million, or whatever, is a windfall for the insurance companies. I think he should acknowledge that there is a three per cent tax on premiums which will no longer be charged to the consuming public. That is forgoing revenue in this province, and in fact that three per cent is not paid on top of the premiums that will be charged those people. So what that does is moderate the cost to provide a broader opportunity of affordability of the product.

In addition to that, let me just comment about some of the suggestions he is making about our product. Our product is designed to redistribute the premium dollars that come into the system. What that means is that we have redistributed those premium dollars so that they go quicker and, first and foremost, in larger amounts to the injured drivers in Ontario, to the injured passengers in Ontario and to the injured pedestrians in Ontario because we have increased the benefits by almost tripling the amount for a weekly recovery for wage loss; we have increased the amount for supplementary medical and rehabilitation up to \$500,000, and up to \$500,000 in long-term care.

**The Speaker:** Thank you.

**Hon Mr Elston:** Those are tremendously large—

**The Speaker:** Thank you.

Interjections.

**Mr Runciman:** That is the usual effort by the minister to engage in smoke and mirrors in respect to the statistics he provides. He pulls them out of the air. He talks about the three per cent and equates that to the population at large, but we know in effect that this has been in place; in respect to the OHIP costs assumed by OHIP and in lieu of those costs through the courts, for one example, this tax has been in place.

What the minister is doing now is asking the taxpayers of this province to shoulder that burden and he is also asking the innocent victims of this province to assume this \$630 million estimated by Mr Carr and we do not know how many millions more. That estimate was based on the 90 per cent figure provided by this government and we really think up to 97 per cent of accident victims will be prohibited from access to the courts under this plan.

**The Speaker:** The question?

**Mr Runciman:** I would like to ask the minister—and I know his answer on this, in any event—if what in fact he is doing is taking funds from innocent victims in this province, turning some back to the negligent drivers and really providing fewer and fewer benefits to the innocent accident victims in this province.

**Hon Mr Elston:** As far as it went, it was a very good presentation, a good speech, and I am sure we will hear it more when we get a chance to debate this bill, but I will tell the member what we are doing.

We are requiring payments to be made for wage losses within between 10 and 30 days of the claim being made by the injured victim. Now they have to wait a long time in some cases to recover their losses. We are giving them accident benefits so that they can have supplementary medical and rehab so that they can recover quickly, so that they can get into the workplace as quickly as possible, so that they can be back in the home as quickly as possible, enjoying as quickly as possible a return to as normal a lifestyle as possible.

In addition to that, we have, for the first time, expanded the coverage to include students, seniors, the unemployed, and in fact we have expanded the coverage for unpaid homemakers. In addition to that, all inside the program as provided under the auspices of this government, while we are reducing accidents in the first place by continued increased coverage on the roads and otherwise, we have retained the courts for those serious situations that must be compensated on an individual, case-by-case basis. That is a balanced approach. That is what this government—

**The Speaker:** Order, order.

**Mr Runciman:** With respect to the fairness of this new program that the minister is always promoting, I would like to cite the case of one witness who appeared at the press conference this morning. Four years ago, Bryan Hagymasy suffered very serious injuries in a motorcycle accident and incurred considerable pain and suffering. He was awarded an out-of-court settlement of \$177,000. Under the proposed plan that the minister has introduced, he would have been compensated \$4,400—\$4,400 versus \$177,000.

How does the minister respond to this case, the example of Bryan Hagymasy, and is he really not advocating a system which in effect would reduce benefits for innocent accident victims in this province?

**Hon Mr Elston:** Again let me say to the honourable gentleman that I saw the material which was distributed as a result of the press conference and, although it is very sketchy, let me tell him that those amounts that were arrived at indicate to me that there was a serious nature of injury.

I noticed, for instance, that this young man was a motorcycle accident victim and that he had a severe problem as a result of injuries to the knee area. I presume it was one of those things where he was thrown to the ground; he lost some of the muscle tissue and otherwise. It looks like a severe and permanent-type injury to me; at least it should be litigated.

In the situations where we have retained the courts for those serious types of injuries, not unlike some of the examples given, let me say that because of the increased benefit levels provided to these people, they would be sustained longer in making a decision about pursuing their court activities. In these cases, I am not sure what the net amount of the award was or how much went to legal fees and otherwise. I admit fully that our system will require more money to go to injured people as a result of accidents in Ontario. Less money will go out as legal fees; there is no question on that. For that I do not apologize. I will not apologize for putting more money in the pockets of the injured people of this province to assist them to get back into their homes, their workplaces and back into being productive.

#### HAZARDOUS WASTE

**Mrs Grier:** My question is for the Minister of the Environment and it concerns the cleanup of the PCB site in Smithville, a site that is reported in today's Hamilton Spectator to be similar to the Love Canal.

The minister will know that a team of experts appointed by his ministry is going to be releasing a report later today and the report compares the Smithville situation to the Occidental Chemical sites in Niagara Falls which contribute industrial contaminants to the Niagara River. The report slams the minister for lack of action on the former transfer station and storage site that it took over in 1985. The minister has now had four years to come to grips with this problem. We have his pre-1987 press releases that said it would be cleaned up by the winter of 1987.

Can the minister explain why it has taken him four years to even come to grips with the size and extent of the problem of what is the biggest PCB waste site in the whole of Canada?

**Hon Mr Bradley:** I want to give the member a little bit of history because I know she wants some history on this. I was not the one who approved the placing of PCBs in Smithville. In fact, I thought it was a very bad decision at the time.

**An hon member:** It was Andy Brandt.

**Hon Mr Bradley:** It was not the member for Sarnia (Mr Brandt); I think it was before his time.

I did not approve this particular site, and at that time I would not have approved of the circumstances under which the PCBs were brought to Smithville for storage. We inherited a very difficult situation.

What the member is bringing to our attention today is nothing new. It is significant, but we have said all along this is the largest source of PCBs in the province of Ontario.

We have considerably improved the storage situation that exists at very great expense and that expense, I think, is worth the investment. We have improved upon the storage that takes place in that particular instance. We have done investigations and continue to do investigations to determine the real extent of the contamination. I have given an undertaking, which is well known throughout the province and certainly in that area, to clean up that site.

What is required as well, of course, is not simply sufficient to clean the site up as such and put everything in containers, although that is what you have to do initially. There is also the problem of—

**The Speaker:** Thank you.

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**Mrs Grier:** I think the people who feel threatened by this site are less interested in the history of how the problem came to be there than they are in the fact that it has taken four years for this minister to even understand the extent of the problem. He says it has been known for a long time, but it was only last February that the panel that is now reporting was appointed and his own officials, when asked for comment today, said, "I think we've done the best we could with the budget we had."

The report recommends immediate containment of the plume while spending the necessary money to conduct intensive research on possible solutions to the deeper contamination. The estimate is \$100 million. Can we have the minister's assurance that no costs will be spared to clean up this problem quickly?

**Hon Mr Bradley:** The member does point out the very unfortunate circumstances that I got



stuck with as the Minister of the Environment, that is, I got stuck with the problem that the previous government had through its inaction.

I have given an undertaking all along and the member is well aware of it. Keep in mind, Mr Speaker, that I live about 25 miles from that site and I know the area very, very well and I have met with the people in the area on many occasions. So the member brings no new information to me on this.

I can indicate, first of all, that the cleanup is under way and has been under way for some period of time. The member is aware of that. The storage is sound and above ground at the present time, again at great expense and I think that expense is worth it. There are plans to pump the contaminated material that is underground, the ground water and any of the material which has made its way beneath the surface, and of course to look after that appropriately.

The environmental assessment of the destruction facility is under way at the present time and the company which has won the contract to do this must go through an environmental assessment which certainly must be approved by the board before it can go forward and, when it does, things can be destroyed. But if I were to avoid the Environmental Assessment Act the member would justifiably be the first person up to criticize me.

**Mr Mackenzie:** But it has already moved 25 miles.

**Mr Kerrio:** Don't make so much noise over there. Comparing it to the Love Canal is grossly unfair. They have got dioxins buried over there that will kill every person around.

**The Speaker:** Order. We will just wait until you are finished your little discussion.

#### HOME CARE

**Mr Cousens:** I have a question for the Minister of Health. A new chapter in home care will start for York region on 1 April 1990. The York region home care program will be swallowed up by Metropolitan Toronto's home care program. The minister and her ministry have consistently rejected York region's requirement for funding of the region's home care services. York region council want to administer the program but cannot force upon York region taxpayers yet another provincial cost.

The ministry has mandated to deliver home care, the ministry is responsible for funding of the home care program across Ontario, yet the ministry will not give the assurances to York region that it will continue to pay the cost. Is the

minister prepared to allow the York region home care program to be taken over by Metro Toronto?

**Hon Mrs Caplan:** I disagree entirely with the member's preamble to his question. In fact, I want him to know that home care is a priority for my ministry and for this government and, in 1989-90, the budget for home care is some \$349 million, which is up 24.9 per cent.

My concern is to make sure that there is ongoing and continuous delivery of services to the people of York region. When I became aware that there were some issues around who and how that service was going to be delivered, the ministry has arranged on an interim basis to ensure that continuum of care. I want to assure the member that home care services will be provided to the people of York region and they will be provided appropriately.

**Mr Cousens:** I am appalled. I am unhappy. I cannot believe that this unprecedented move of a York regional service is now going to be allowed to be taken over by another municipality. York region right now has the most efficient program in the province for approximately half the price per capita in cost that Metro Toronto does. This is a unique situation where York has a growing population. We have special relationships with community groups and now the minister is going to end up having it looked after by a group out of Metro Toronto.

Yes, that is the plan. She probably should know about it by now. I have a letter that was sent to the minister that was signed by the director of the program and the management team of the home care program in York region. They say, "Continuation of the standards of excellence"—

**The Speaker:** Is this a question?

**Mr Cousens:**—"that York region home care program has demonstrated will be seriously compromised for a number of reasons," and they go into detail on what those reasons are.

**The Speaker:** Place your question, please.

**Mr Cousens:** I would like to ask the minister today if she would consider the action of transferring York region's home care program back into York region from Metro Toronto so that on April Fool's Day—

**The Speaker:** Thank you.

**Mr Cousens:** —she will not be the fool and York region can continue to be served by its own—

**Hon Mrs Caplan:** For the record, the member is absolutely wrong. Home care services are delivered by a number of different agencies across the province. York region determined that

it in fact was not interested in continuing that service.

**Mr Cousens:** They want to continue.

**Hon Mrs Caplan:** On an interim basis, we have moved to ensure that the services are provided. What we have said is that we will ensure that the services are provided during the time that we determine who would like to provide that service in York region. Our preference is that it be provided by a group in York region, but my first priority is to make sure and be certain that home care services will be available to the people of York region. I hope that York regional council will reconsider its decision, but if it does not, my commitment to the people of York region is to ensure that they have ongoing home care services appropriately delivered in their community.

**Mr Cousens:** Don't talk about that. Will you reconsider? The people of York region won't tolerate it. I am not incorrect with my facts. She said I was absolutely wrong.

**The Speaker:** Order. Would the member take his seat. Would all other members and the Minister of Health respect the standing order.

#### VIDEO PRODUCTIONS

**Mr Mahoney:** My question is to the Minister of Industry, Trade and Technology. Yesterday in this House there were some statements made and figures were thrown around this Legislature with what I could only describe as reckless abandon with regard to a video that was produced by his ministry. Could the minister account for the—

Interjections.

**Mr Mahoney:** It is obviously bothering some of the members opposite. It is nice to see them upset.

**The Speaker:** Order.

**Mr Mahoney:** Could the minister account to this House for the amount of money spent on video communications by his ministry?

Interjections.

**The Speaker:** Order.

**Mr D. S. Cooke:** What is that standing order again?

**The Speaker:** Standing order 20(b).

**Hon Mr Bradley:** They don't want to hear the answer.

**Mr Brandt:** I am dying to hear the answer.

**The Speaker:** Minister.

**Hon Mr Kwinter:** I am delighted to respond to the member's question. All members will want to know, I am sure, that the video Share the

Vision was produced in a 10-minute version for the world economic forum in Davos, Switzerland, in both English and French after a public tendering. At the end of that showing, it was substantially re-edited in both English and French for the Toronto Economic Summit.

After that, it was re-edited, redubbed, with new graphics and new voice-over in English, French, German, Korean and Japanese. It was then produced in three separate video formats for showing around the world. Three hundred of those copies have been in use for over two and a half years. It is being used across the world virtually every day, and I say to the member in response—

Interjections.

**The Speaker:** Order.

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**Hon Mr Kwinter:** I should tell the member that the first part of it was \$300,000.

**Mr Brandt:** You ought to be proud of yourself.

**Hon Mr Kwinter:** The rest of it was \$450,000. In response to the leader of the third party who yesterday said he doubted if it would ever—

Interjections.

**The Speaker:** Order. We might as well just sit and rest a while. I believe the question came from the member for Mississauga West, who has a supplementary.

**Mr Mahoney:** It is quite obvious to me that the opposition members really do not want to hear the facts on this issue. It is also—

**The Speaker:** Do you have a supplementary?

**Mr Mahoney:** To the minister, recognizing the importance of this province competing in the global economy, could the minister tell us how Ontario compares to other jurisdictions in international promotion?

**Mr Brandt:** On a point of order, Mr Speaker: I do not see how that question has any supplementary direction from the initial question that was asked. It does not flow—

Interjections.

**The Speaker:** Order. The member for Sarnia is trying my patience because I gave him two for the price of one earlier. Supplementary?

**Mr Mahoney:** I thought the supplementary was quite clear, but I am quite happy to make it more explicit for the member from Sarnia. Obviously, the production of video promotional materials is very important on the international



market. If the member likes it this way, I am happy to do it. In fact, we can help him get into the movies one day and do a little rock and roll any time he wants.

Could the minister please tell this House how our province compares to other jurisdictions in promoting on an international basis videos and other forms of promotional materials?

Interjections.

**The Speaker:** Order.

**Hon Mr Kwinter:** I am sure all members will want to know, and will know, that we are in an extremely tough, competitive situation. We have six states in the United States that have established offices in Toronto. As a province, we have 14 offices around the world, but compare that to Quebec, which has 27. So what we have to do is, what we lack in numbers we have to make up in quality. We have to make sure that when we go forward into the world marketplace, we go forward with our best foot, showing Ontario in the most professional way, in the best way, in a way to increase the business that is going to keep the economy at the level that it is. Cheap, no. Valuable, yes.

Interjections.

**The Speaker:** Order.

Interjections.

**The Speaker:** There are many members just wasting the time. Order.

#### TEMAGAMI DISTRICT RESOURCES

**Mr Wildman:** Now that we have finished the video games, I would like to ask a question of the Premier. In view of the fact that when the Teme-Augama Anishnabai applied to the court for an injunction, the government discontinued the construction of the Red Squirrel Road pending the court decision, and in view of the fact that the band has now appealed the court's decision and is applying for an overturning of the refusal of the injunction, would it not be reasonable for the government to follow the same course and to discontinue the construction until the court makes a decision on the appeal?

**Hon Mr Peterson:** Mr Speaker, I think the Attorney General (Mr Scott) probably is the best one to deal with this question.

**Hon Mr Scott:** The two courts in Ontario have decided that the band has no title to this 4,000 square miles that it requests in its land claim, and that was determined after a very extensive trial that, I think, went more than a year. It is one of the longest trials in the history of Ontario and a very extensive appeal.

They have been granted leave to appeal to the Supreme Court of Canada, of course, which means that the court is prepared to hear their appeal. The overturn rate in the Supreme Court of Canada is much less than a third so we cannot conclude that there is any reason to believe that the Court of Appeal decision will be overturned.

On the other hand, the decision of the government, confronted by an application for an injunction to restrain present activity, was simply to say we would allow the court to decide that question. As the honourable member will know, the Premier (Mr Peterson) made that announcement and we honoured that obligation.

**Mr Wildman:** I know the Attorney General would not want to prejudge any decision of the Supreme Court of Canada. But in that case to which I was referring, since the government felt it appropriate to hold off on construction while the court in Ontario determined whether an injunction should be granted, if that decision is under appeal, surely it would only be reasonable and would move towards avoiding unnecessary confrontation if the government would follow the same course in this regard.

Is the government prepared to try to do all it can to ensure there will not be a confrontation after 11 November on the Red Squirrel Road?

**Hon Mr Scott:** As the honourable member knows, we have made an offer of settlement—and it has been outstanding in a variety of forms for some period of time—that amounts to about \$30 million, half of which could be taken in the form of land, and we are anxious to avoid any confrontation. One of the ways of avoiding confrontation is by respecting the orders that the courts make; and when the Teme-Augama Anishnabai indicated it was applying for an order to restrain construction going on now, the government indicated that it would not act until that application had been finally dealt with.

It has now been finally dealt with, and the two decisions of the Ontario courts are in place which assert that the band has no title to any of that land. Now I agree with my honourable friend that we should not assume that they will lose their case in the Supreme Court of Canada, but it is also premature to assume that they will win it.

We have honoured all court orders, and particularly when the band asked for an injunction, we agreed that work would stop until that injunction application was finally dealt with. I think that was the fair thing to do. It is not usually done by private litigants, but we are a government. I think it was the appropriate, sensible, moderate thing to do, and I am very proud that

our government did it until that application was finally disposed of in the timetable that the native people had set for themselves.

1450

### CANCER TREATMENT

**Mr Eves:** I have a question of the Minister of Health. I would like to bring to the minister's attention the instance of Barbara and Robert Dennis, who asked me to bring this to her attention this afternoon in the Legislature.

Barbara Dennis has breast cancer and after having a mastectomy, she has spent the last year of her life on chemotherapy and she receives that in the city of Toronto. Her husband, Robert Dennis, who is also 54 years old and works for the Toronto Board of Education, has spent the last five weeks off work and has recently been diagnosed as having lung cancer. He was told at 10:45 this morning by the referral service at the Princess Margaret Hospital that the only place they can find for him to go for treatment is to go to Thunder Bay a week from today where they expect him to stay for four to six weeks.

Is the minister satisfied with this quality of health care in her system?

**Hon Mrs Caplan:** You know, I have to say to the member opposite that I object to the fact that these kinds of concerns of real grief and personal suffering are brought to this forum. I think it is terribly sad that personal tragedies are dealt with in a political forum.

The member knows, in fact, that we are doing everything humanly possible to see that people get the services that they need. There are thousands of people each day who receive treatments within the health care system. The people of this province should have confidence in that, but we can always do better tomorrow than we did yesterday. If the member has individual cases of concern of inappropriate treatment, if he would give them to me, we will investigate. But this is not the forum to deal with sad human tragedy.

**Mr Eves:** We on this side of the House raise these issues in the House day after day because the people ask us to because they cannot get an answer from the minister. The minister indicated to the Leader of the Opposition (Mr B. Rae) earlier in question period about the Barber family that the Princess Margaret Hospital, Toronto-Bayview Regional Cancer Centre and Hamilton Cancer Treatment Centre were accepting new patients for treatment.

Surely there cannot be a worse situation than the case of Barbara and Robert Dennis. One has

been on chemotherapy for a year in Toronto and now the minister wants to send the husband to Thunder Bay for four to six weeks for treatment there. The reason we have to raise these questions every day in the Legislature is because somebody is not taking care of the health care system over there and the somebody is the minister. What is she going to do about it?

**Hon Mrs Caplan:** I would say to the member opposite and to all members of this House that if any member of the provincial Parliament has any information to suggest that there has been unnecessary suffering or if there has been inappropriate treatment caused by a breakdown or whatever within the health care system, I am determined to do whatever I can to see that those concerns are addressed in the most appropriate forum. But we want to make sure above all that the public retains the utmost confidence in our health care system and I think it is important for us to all work together to seek the solutions and not to politicize human tragedy.

### GASOLINE PRICES

**Mr Cleary:** My question is for the Treasurer. Some of my constituents in the Cornwall riding have expressed concerns about the way gasoline prices vary across the province. When the price varies as much as 18 to 20 cents a litre, does the government monitor these different prices?

**Hon R. F. Nixon:** There is some monitoring, and since members from time to time ask me about variations, I usually keep the numbers here in case anybody asks. The best price I can find in the last two weeks is in Peterborough at 45.1 cents; in Sault Ste Marie, it is 53 cents; in North Bay, it is 51.6 cents, and in Sarnia, where they make the stuff, 53.4 cents. There seems to be a little profit-taking there. At Earl's Shell Service in South Dumfries, it is 47.9 cents, which is second-to-lowest. So the honourable member is correct, there is some informal monitoring taking place, and there are differences—

**The Speaker:** Order. Point of order.

**Mr Pouliot:** I will take full responsibility. My apologies. It is more than a coincidence; these are identical prices that were quoted last year when I asked the question.

Interjections.

**The Speaker:** Order.

**Hon R. F. Nixon:** The honourable member who interjected with a point of order did not get to first base either.

The prices do vary. They varied last year and they vary this year. The honourable member and



all other members would know that these are fresh prices, only two weeks old. The point is, of course, in the competitive system that we have, prices do vary not only from town to town but from gas station to gas station.

I should add, Mr Speaker, since you are not on your feet yet, that a substantial ingredient, as everyone knows, is the gasoline tax which at 10.3 cents per litre is very high but not the highest. The honourable member should know that the government of Canada imposes a tax of 11 cents per litre and it does not build any roads at all. According to the last budget, the federal tax is going up by one cent in January.

**Mr Cleary:** I thank the Treasurer for his reply. Could I ask the Treasurer if a gas price regulatory commission has ever been considered?

**Hon R. F. Nixon:** I thank the honourable member for his question and giving me notice of it. I believe that while some provinces have enabling legislation for regulation, Nova Scotia is the only one that uses it. The result of that, actually, is that they have among the highest gasoline prices in Canada, certainly higher than their neighbouring maritime provinces, so the efficacy, as we say, of that procedure is questionable and we are not contemplating it here.

#### GENERAL MOTORS VAN PLANT

**Mr R. F. Johnston:** I have a question for the Minister of Industry, Trade and Technology in the absence of the Premier (Mr Peterson) and apologize for not having this written out for him in advance so he could read along as the Treasurer (Mr R. F. Nixon) just did.

I have here a list of some of the 150 suppliers of parts to the Scarborough van plant in Scarborough which are based here in Ontario. I wonder if the minister can tell me what impact the closing of that plant is going to have on A. G. Simpson Co in Scarborough which provides 27 parts; A. Rea Tools and Tubing, Mississauga; a company in Collingwood; Goodyear which has already had some trouble in this province, and Elan Corp in Chatham. Can the minister tell me what impact this closing is going to have on the workers in the communities around the province when it does shut down?

**Hon Mr Kwinter:** I cannot tell the member exactly, in fact, but I can tell him this. I am sure he knows that under the auto pact we have a North American auto industry. There are parts manufacturers in Ontario that supply parts to all assemblers in North America. So the people who are supplying parts now to the General Motors

plant in Scarborough will have the opportunity to supply those same plants in Flint, Michigan or wherever else it goes. I am not saying it guarantees that they will do that, but they will have that same opportunity.

We also know that plant is going to be in operation until the model year of 1991 and that General Motors is currently undertaking a study to see what other production they can put into that plant. Until I know that, I cannot really respond with any accuracy.

**Mr R. F. Johnston:** This is exactly the problem that we have at this point without legislation to set down a systematic approach to finding out what the impact of closing will be and what the justification should be. The largest number of these suppliers is from outside the country but there are approximately 150 from here in Ontario.

Will the minister co-ordinate and fund an impact study of this closing to look at what is happening across the province of Ontario and co-ordinate this, especially with Metropolitan Toronto council and the Scarborough council, General Motors and the workers involved, so we can, at once, for the first time that I know of, have a systematic government-sponsored impact study of this kind of major closing?

**Hon Mr Kwinter:** I can tell the member that the Ministry of Labour, the Ministry of Industry, Trade and Technology and General Motors are working together to make sure that whatever impact that plant has will be minimized. We are still looking at—

**Mr R. F. Johnston:** We have to have a study.

**Hon Mr Kwinter:** Right now, what is happening is that General Motors is undertaking a study to see what alternate production can go into that facility. When that happens and when we know one way or the other, we will then be able to respond.

1500

#### HOSPITAL FINANCING

**Mr Brandt:** My question is to the Minister of Health. In 1986 her government promised a project to the Ajax and Pickering General Hospital to double the number of beds in that hospital from 127 to 242. The amount of the expansion was some \$14.7 million and at the time her ministry undertook that particular commitment she indicated to the community that if they raised \$7 million, or approximately one half of the capital cost, her ministry would, in fact, follow through to complete that project.

Could the minister give us an update on the status of that project now, understanding that the local community has raised their portion of the money?

**Hon Mrs Caplan:** As the leader of the third party knows, the capital projects have been under review to ensure that we are planning appropriately for the future to meet the real and changing needs of our community. We know as well that changing demographics and a move to more community-based services have been recommended for a number of years and, in fact, our review is in keeping with the recommendations of the Premier's Council on Health Strategy.

I can say to him that we are also conducting these reviews in the context of the long-term care strategy which is being developed between the Ministry of Health and the Ministry of Community and Social Services. We are committed to meeting the real needs of the communities and to using our capital resources to ensure that the future generations of this province have the services they need in their communities.

**Mr Brandt:** What she should be committed to is keeping her promise; that is what she should be committed to. Five hundred volunteers in that community raised \$7 million on the strength of the indication of the former Minister of Health, that she was going to have capital expansion there, doubling the number of beds.

The member for Durham West (Mrs Stoner), the minister's own colleague, has indicated that if that hospital is prepared to jump through a number of hoops, they will ultimately get an approval. Could the minister indicate, not only to the Ajax and Pickering General Hospital, but to the Orillia Soldiers' Memorial Hospital, the Sarnia General Hospital and to a whole host of hospitals in the Ottawa region, what hoops they have to jump through in order to get the minister to keep her promise?

**Hon Mrs Caplan:** In fact, I would like to acknowledge the work and the very able representation that the member for Durham West and my other colleagues make on behalf of their communities as they assure them that we want to make sure we are doing the right thing for their community. They are showing enormous leadership and I would like to single out my colleague, the member for Durham West, in showing enormous leadership in her community.

I want to give the leader of the third party a historical perspective on this. I was looking through some estimates debates and do members know what was said? It said: "We are hospitalizing, in my view and perhaps yours, far too many

people who do not need to be in hospitals. That is still the case, whether it is for tests or surgery. Our surgical rates in Canada are 30 per cent higher than in the US."

Do members know who said that in 1982? It was the then Minister of Health, Dennis Timbrell.

## HOME CARE

**Mr Cousens:** I would like to go back to the question I asked earlier to the Minister of Health regarding the home care program for York region. It is unprecedented that this kind of action would be taken by the government of Ontario to allow York region to be forced into giving up responsibility for that program because her government would not give them some commitment to cover any of the overages that take place in a growing region.

York region has lobbied the member for York North (Mr Beer) and it has lobbied the Ministry of Health in an effort to try to come to some kind of solution that will allow home care to stay under the management of York region. I would ask the minister, will she reconsider her involvement in this whole process to try to keep the home care program back in York region where it belongs under the management of the York regional council?

**Hon Mrs Caplan:** I will say to the member again that he is absolutely wrong in the categorization of these events. He does not know what he is talking about. I can tell him that it was a decision of York region to say that they would prefer not to deliver those services. Our goal is to ensure that the services are provided in York region. If they would like to reconsider, I hope they will. If not, our ultimate goal is to see that another organization will develop those services in York region, but in the meantime we will commit to ensure that the services for the people of York region are provided by those who are able and willing to deliver that service.

**The Speaker:** That completes the allotted time for oral questions and responses.

## MOTION

### COMMITTEE SUBSTITUTIONS

Hon Mr Ward moved that the following substitutions be made: on the standing committee on public accounts, Mr Pouliot for Mr Charlton.

Motion agreed to.



## ORDERS OF THE DAY

### PUBLIC SERVICE PENSION ACT, 1989

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 36, An Act to revise the Public Service Superannuation Act.

**The Speaker:** I believe the member for Beaches-Woodbine (Ms Bryden) adjourned the debate. Under the present circumstances, would there be any other member wishing to participate in the debate?

**Mr Pope:** I will be a few minutes dealing with this, I think fairly significant, piece of legislation that affects a great number of our fellow residents of the province of Ontario. Before I do that, I think it is clear that this legislation and the policies of the government are required to be placed in some context. We are dealing with a government which has reflected in its activities over the past few years a certain largess—a largess, of course, for which the taxpayers are paying through 32 different tax increases.

When this government came to power in 1985, for instance, the personal income tax rate was 48 per cent of the federal base. It is now 53 per cent. The full-year impact on the taxpayers of this province is \$237 million. We have seen increases in the gasoline and fuel tax and there is actually a phased two-cent-a-litre increase in the gasoline tax this year, and the Treasurer (Mr R. F. Nixon) has the nerve to try to draw to the attention of the members of this Legislature during question period a one-cent-a-litre increase at the federal level when he himself has put into effect two separate phased-in increases this year amounting to two cents a litre on the price of gasoline in this province. He has the nerve to stand up and criticize the federal government for doing half of that. Give me a break.

We have seen a tire tax of \$5 being placed on the new tires that people buy in this province. That is out of the taxpayer's pocket for the Liberal largess. We have seen the gas guzzler tax being put into place. We have seen a cancellation of exemptions and rebates that have been allowed under the retail sales tax. We have seen a five-cent-a-container tax on nonreturnable, recyclable beverage and alcohol containers sold in the province. We have seen increases in the retail sales tax to eight per cent. We have seen the commercial concentration levy of \$1 per square foot on commercial property and associated parking with a gross area of more than 200,000 square feet in this great community of Toronto. We have seen the nonsense of the provincial land

transfer tax, which is affecting the price of homes as much as the lot levy policy of this government was.

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We have seen now where anyone involved in any agreement with respect to land whatsoever will have to apply for an exemption through the Ministry of Revenue. They will have inspectors running around the province at our expense, poking their noses into every agreement, written and unwritten, with respect to land. For the first time in the history of this province, we will have the power in the hands of the Minister of Revenue (Mr Mancini) to go in and look at verbal arrangements with respect to land. What kind of nonsense are we facing in this province?

We have seen taxation increases, we have seen bureaucracy increases, all of this at the cost of the taxpayers, and now without the kind of consultation that is necessary. We were not told this in 1987, we were not told this by the Premier (Mr Peterson) in 1985, and now it is upon us.

We have a problem with respect to the public service employees' pension plan. We have a problem that has been studied in three different reports in the last four years. Our employees in this government have asked—

**Mr Neumann:** You were on the government then.

**Mr Pope:** I have to say there is an interjection that I should answer, and I think I had better take my time in answering this interjection, because whenever this government is faced with a challenge, whenever it is faced with a problem, after being in office for over four years, its answer is to look for someone else to blame. It is either the doctors' fault in health care or the hospital administrators' fault or the injured workers' representatives' fault or the employers' fault or the previous government's fault.

These guys are the biggest con artists when it comes to blaming other people for their problems of any government in this country, and the people are starting to realize it. They are starting to realize that their only focus is to look for someone to blame when they are confronted with a problem that they are asked to resolve.

It is clear that the Ontario Public Service Employees Union has raised its concerns in the context of the three reports, the three studies, that have taken place on this in the last four years. They have indicated their concern about return on their pension funds, but they have made very clear in their submissions, and the Ontario Federation of Labour made very clear in its submissions, that their major concern was not a

percentage return or an interest rate return on the funds that were invested; their major concern was a policy concern about what they consider to be an unnecessary restriction on the kinds of investment mechanisms that should be available to this fund.

I say this to the member for Sault Ste Marie (Mr Morin-Strom), who yesterday indicated that the government's problems right now were created by a previous administration and an inadequate return on the pension funds invested.

Clearly, in the arguments made by the Ontario Federation of Labour in its submission to the Rowan task force, it said, "The adequacy of the PSSF's overall rate of return arises not from being cheated on the interest rate for provincial debt but from the fund being confined to a nondiversified portfolio." Their major complaint, which they took on behalf of organized labour and the employees of this government to the Rowan report, had to do with the policy restrictions on the kinds of investment vehicles that would be available for these funds.

We accept that there has been some concern expressed about that, and therefore we have to look at providing more options and more alternatives to the existing system. I think that is the genuine belief of the government, that it is attempting to accommodate that concern expressed by the employees. It is attempting to accommodate the concern expressed by the organizations representing the employees.

I guess my feeling is that the government should not be introducing management options that it can select at its wish at a future time and should not be introducing a range of management options for this fund in the absence of an agreement on the management system with the very employees and their organizations that will be covered by it.

We have not seen, according to all of the documentation that we have received from many of our employees and from many others who have some interest and concern about this across the province, an agreement between OPSEU, organized labour and the government of Ontario with respect to the future of this fund and its administration. We have had one or two vague agreements about future governance, but we have not had a detailed, comprehensive resolution of the specific issues that the employees of our government feel have to be addressed. In fact, the OPSEU News Update indicates that "Government Wants Pension Cash Refuses Real Negotiations." That was on 4 January of this year.

They have indicated their concern throughout, I believe, and from what I am led to believe, there has not been, on a detailed management basis, the kind of agreement that there has to be between employees and management for the operation of the pension funds, which are basically the right of the employees of the government to have at some future date, in accordance with the vesting provisions of the fund.

In the absence of that kind of agreement on comprehensive and specific details of management and investment opportunities for these pension funds, our understanding is that there is widespread dissatisfaction with this legislation. There is widespread opposition to giving in this legislation a virtual carte blanche for the selection of three different management options in the future by the government.

That concern is in the context of the unilateral decisions that the Treasurer took with respect to the teachers' pension fund, the kind of unilateral take-it-or-leave-it approach in dealing with the teachers' superannuation fund and the superannuation adjustment fund that has led to each and every member of this Legislature being deluged with cards from teachers and their families across the province in opposition to the Treasurer's and this government's statement on how they are going to deal with the teachers and what policies they are going to unilaterally apply that will affect their pension rights and their contribution rates. In the absence of that kind of comanagement on a very detailed basis with the teachers and with our public service, we then no longer have confidence in a general legislative framework which allows for wide management options.

So, I think the government got its policy reversed. I think it should have settled in a very detailed and forthright way how this fund would be managed in the future and what the management committee's mandate would be and what the government's mandate would be in the context of this, and settled in some detailed fashion the contribution systems that will be used in the future to match the unfunded liability to pay off the debt, the unfunded liability that everyone has predicted will exist at the turn of the century.

We want to try to resolve that problem. We think the government has it in its hands to meet with the representatives of the employees of the government and the teachers to come up with a detailed resolution of it, and we do not think that introducing this legislation at this time will



enhance that process. In fact, it is viewed as hanging over the heads of the employees and their representatives unilateral action by the government that may not be in their economic self-interest and may not be in the long-term interest of the pension fund, as they see that interest as being.

Yesterday, the member for Markham (Mr Cousins) and the member for Leeds-Grenville (Mr Runciman) attempted to place on the record our concerns, some favourable comments about this legislation, but also our concerns about how the employees were being handled.

The member for Wellington (Mr J. M. Johnson), on a number of occasions, has been petitioned by representatives of government employee groups and teachers in his riding about the kind of unilateral action that they perceive this legislation to allow. The member for Wellington, in his responses, indicated that his position is that there should be a settlement of these issues in a very detailed fashion, a memorandum of understanding signed and then legislation introduced to implement it. With his experience and years in this Legislature, I have to say that I agree with him that this is a proper and fitting way to treat the employees of the government and the teachers of this province.

They provide very important public service to all of us. They are very important employees who have to be recognized for their contribution to the province, both economically and from the point of view of social services. We want to do what is right by them. We do not think this legislation does settle the issues that have concerned them for so long, that they have raised through three successive commissions of study on pension issues. We do not think that the government's response to date has been fair.

**1520**

I have seen the documentation of direct communication between the Management Board secretariat and the Chairman of the Management Board of Cabinet (Mr Elston) directly to the public employees of this government. I have seen the response of the public employees unions. I have seen the budget paper studies on the public pension sector. I have seen the proposals of the Treasurer for reform of the public service sector. I have not seen the detailed discussion of the consequences of this with the employees and a real, forthright revealing of the long-term strategy or plans.

Until we see this, I think we really have to withhold any judgement on this legislation, because we really do not think that the govern-

ment has answered the questions that have been asked. What is the government going to do? Never mind what this permissive legislation allows it to do, but what is its intention with respect to this pension plan? How are the representatives of the employees of the government going to have a function or a role in deriving an ultimate resolution to what is now a dispute between management and the unions over how this pension fund will be treated in the future? Most important, who is going to pay for the unfunded liability? Who is going to pay for the deficits that are being projected at the turn of century?

These are all important issues. We are not minimizing them. We are not saying it is easy. We understand the historic perspective of the issue. It was there to some extent when I was in government as a minister. It has continued. It has taken the Treasurer some time to arrive at his own position—four years—which indicates the complexity of the problem that previous governments faced as well.

We just hope that this government, in the context of this debate, gives us the detail of what it intends to do with the management of this program. When we hear that kind of detail, then, I think, we will be in a position to judge the future management of this program and whether or not we think this act is appropriate to meet the needs of the fund in the future.

Those are a few brief comments. I did not want to speak for very long. I believe I cut off the member for Beaches-Woodbine by standing up, and maybe she could be recognized in order to finish her speech. I did cut her off inadvertently and I apologize to her for doing that.

**Mr D. S. Cooke:** On a point of order, Mr Speaker: If we could have unanimous consent to revert to the statement of the member for Beaches-Woodbine, it would be appreciated.

**The Deputy Speaker:** Is there unanimous consent?

Agreed to.

**Ms Bryden:** I appreciate the special unanimous consent. It was circumstances beyond my control that delayed me a couple of minutes. Anyway, I am very pleased to be able to continue my remarks from yesterday, when I adjourned the debate on Bill 36 at 6 pm.

I was talking then about the reasons why all New Democrats in the Legislature will be voting against this legislation. It is the worst piece of pension legislation for public servants ever to come before this House.

**Mr Fleet:** You said that yesterday, and you were wrong then and you are wrong now.

**The Speaker:** Order, please.

**Ms Bryden:** It takes away more employee rights than it grants. This bill will affect 85,000 public servants in Ontario, past and present. It will require them to pay—that is, it will require the public servants now in the employ of the government—an extra one per cent of their salary to the superannuation fund, on top of the seven per cent that they already pay. This is done by a bill which implements a tax grab proposed by the provincial Treasurer and the Chairman of the Management Board of Cabinet under this bill.

None of the benefits of the tax grab will go to improve the benefits of the public service employees. Instead, it will go to pay for whatever the provincial Treasurer decides. Instead, it will probably go to pay for the government's maladministration of the plan over many years, but why should the present employees pay for past maladministration? Why should the present employees pay for investment decisions of the past superannuation board, in which they had no say?

This bill is a piece of unilateral legislation. The request by the public service employees to negotiate a partnership to administer their pension plan was turned down by an inflexible provincial Treasurer. The negotiations that were attempted broke down, and I think there was really not very much effort by the government to make those negotiations productive.

The request by the employees was that the Crown Employees Collective Bargaining Act should be amended to allow public sector employees to negotiate pensions, in the same way as employees of many, many private employers and many other public employers are allowed now to negotiate their pension rights, their pension benefits and the administration of their plans. But the public servants of the Ontario government are made into second-class citizens by this legislation. They have no right to bargain about their pension plan.

In the new bill, even the role of the public servants is reduced in the work of this Public Service Superannuation Board, which administers the plan. It used to be that the legislation called for a board of four appointed members, appointed by the provincial government, but it was restricted in that two of those had to be a representative of the Civil Service Commission and a representative from the Ontario Public Service Employees Union. The other two were left to the discretion of the government.

The new legislation says that there shall be a board of not less than three people, which means that any number could be appointed by the government, and while it should look to representation of various groups, there is absolutely nothing in it about any representation being mandatory for OPSEU or for any other group that is mentioned as having an interest.

It says, "If the Lieutenant Governor in Council considers it appropriate and desirable," and that is the cabinet, "members may be appointed to the board because of their expertise in the management, investment or administration of pension plans or in order to represent on the board, subject to the requirements of the Pension Benefits Act, 1987, the concerns of the crown, of members required to contribute to the fund or of persons receiving pensions under the plan." In other words, that little word "may" has been put into this legislation and has taken out the requirement that at least one OPSEU member be on the board. That is dropped.

#### 1530

This is the kind of legislation we are fighting every day in this House. The government is making everything come under what the Lieutenant Governor in Council, or the government, decides to do and the rest of us hope it will act in a respectful and co-operative way. In this bill, we have no guarantee there will be any representation from the union or any representation from any other group that might be affected, either members or past members or the other groups that should have a say in investment plans.

I think that is a very serious defect in the bill and it is certainly a reason for voting against it. It is an attempt by the government to take over complete control of the public servants' pension plan in Ontario. It rejects their legitimate demands, over many years, to have a say in the investment decisions of the plan, in the administrative work of the plan and in the way to handle past deficits. Certainly, it is not fair to request that the present employees handle any alleged actuarial deficits, which could have possibly not been there if the plan had been invested and managed in a different way.

This bill also fails to implement the election promise to improve pensions in both the public and private sector. This promise was part of the accord between the New Democratic Party and the Liberal Party and facilitated the change of government, but we have been betrayed.

The bill also fails to implement another election promise, in the 1987 election, to provide inflation protection for pensions. That means



proper indexing, but in this bill there is a cap on the amount of indexing and there is no guarantee that when a surplus develops, if it does, that surplus will be considered to belong to the employees. That surplus can be dealt with by the government just ceasing to contribute its 8.5 per cent, which the new rate will become, because there is a surplus. Many companies are now grabbing those surpluses and we are trying to get legislation that will make it illegal for such surpluses to be dealt with by the employers or to be used to reduce their contributions.

Pensions are a form of income. They are deferred wages. The employees' contributions are given to the superannuation fund in trust, to be invested for the benefit of the members of the superannuation plan. That is why we feel the members of the public service have a right to expect to be consulted on changes in their pension plan. That is why they expect full inflation protection. That is why they want any surpluses to be under their control.

When the legislation does not contain those guarantees, it is defective and should be defeated and replaced by legislation that will make a genuine partnership between the members of the plan, past and present, and the government. Otherwise, the government becomes simply the employer who makes the decisions. The administrative body appointed by the government makes all the administrative and investment decisions.

It is the kind of legislation this government should not be bringing in if it believes it has any claim to a small-l liberal approach to its responsibilities. Even more and more, it is showing that it is not a small-l liberal government. In fact, I wonder if it should even be using the term, because more and more there is an alarming trend showing the true colours of this government.

For instance, it apparently does not believe in negotiations with its employees, since it made the negotiations so difficult or impossible. It does not believe in being a good employer and giving leadership to the rest of the public and private sectors on how they should deal with their employees in pension matters.

But it does believe in revenue grabs, and that is what the provincial Treasurer is becoming more and more identified with. He grabbed \$1 billion in taxes in 1988. He grabbed another \$1 billion in 1989. This pension grab from the members of the public service is a third attempt to get more revenue into his hands with less public or member input on how that revenue shall be spent.

With this kind of unilateral legislation, public servants have no way of stopping this raid on their salaries, this extra one per cent, unless we can get this bill withdrawn. That is where we are at, demanding that they should have a full say in the investment and administration, in future plans and future benefits.

Another area where there are defects in the act is the treatment of contract employees, casual employees, part-time employees. Some of them are going to be allowed to come into the pension fund if they are not already there but a great many will not be covered under this plan, particularly part-timers. This is an area where we think there must be more changes in any pension legislation that comes back before us.

Another area is the buyback restrictions. There are several buyback provisions in this legislation that the government points to as an improvement, but if you look at them closely, there are severe restrictions on the buybacks.

For those who are not familiar with pension terms, a buyback is where an employee is allowed to buy additional pension entitlement for years in which he was working elsewhere in the public service and was not covered. He puts in a certain amount of money as a contribution and is then guaranteed further rights that he would not have been eligible for without a buyback.

The terms are restrictive in that they are telescoped as to how quickly they can be done and that also means the compensation to the people from whom the buyback occurs, such as municipalities, is not spread over a very long period. It is not an adequate buyback clause.

We hope the government will recognize that the people who work very hard for this government are not all at Queen's Park. As a result, many of them serve the province in small communities, in the smaller towns across this province. They also do not receive very large wages and their only protection is that they belong to OPSEU and have a voice speaking for them, but if that voice is not recognized on the superannuation board or is not recognized when this kind of legislation is brought in by the provincial Treasurer and the Chairman of Management Board, they have no protection against unilateral and rather draconian legislation.

When this government brings in this kind of legislation, it shows that it does not put a high priority on its relationship with its employees in trying to be a good employer. It does not show that the Chairman of Management Board, in whose name the bill is brought before us, has much concern for his major job, which is to deal

with the public servants we employ in the province.

#### 1540

It is rather strange that the Chairman of Management Board did not consider it important enough to introduce second reading himself or to be present at very many of these debates on the bill. I hope we will hear from him some time during the debate. I do not know how he can defend this bill, because he is certainly not showing up as a good employer with any respect for the public servants who work so hard at Queen's Park and through the rest of the province. They deserve to be consulted and become part of the administration of their plan.

That is why we are opposing this bill. My colleagues have raised many other points and many other defects in it. It is so badly flawed that it must be withdrawn and we ask the government to show it really does care about its employees by withdrawing it.

**Mr Charlton:** I join with my colleagues in speaking on Bill 36 in very clear and determined opposition to this piece of legislation. I recall that yesterday afternoon when my colleague the member for Lake Nipigon (Mr Pouliot) was on his feet, one of the government members shouted across the House an interjection that this legislation was merely an implementation of the recommendations of the Slater commission report.

I have to say at the outset of my comments that either the government members do not understand what Slater said in his report or they do not understand this piece of legislation. If they can in any way, shape or form equate one with the other, I am not sure which it is they misunderstand.

**Mr Morin-Strom:** Probably both.

**Mr Charlton:** Quite possibly it is both as my colleague the member for Sault Ste. Marie suggests, but at least one is seriously misunderstood.

Certainly, this is not a piece of legislation that sets up an arm's-length pension plan, nor is it a piece of legislation that seriously deals with the question of member involvement in the administration of the plan.

This is one of the very few pensions in Ontario that has a separate piece of legislation that sets the basic terms and conditions under which the pension will operate. Most of the pensions in this province, as members are aware, are operated under the Pension Benefits Act. There are only three other pensions that operate under their own

legislation, the pension that serves the members of this Legislature, this pension—the public service superannuation fund—and the teachers' superannuation fund.

In any way you look at that question of three separate pieces of legislation governing those three pensions, the only one that comes anywhere near to being close to arms' length with member participation is the pension plan and the pension plan act that service the members of this Legislature. At least as members of the Legislature, we have the right to debate the content of our pension plan and to vote on the content of that legislation when it is in the House for amendment, even if there is not a formal collective bargaining process.

The other two plans, this plan—the public service superannuation fund—and the teachers' superannuation fund, are plans that are probably the farthest removed from being at arm's length and from member participation of all other pensions in Ontario.

Bill 36 does nothing real to remedy that situation. Even when we look at the two options that are set out as possible alternatives for the future, the two options that deal with the questions of either joint administration of the plan or total bargaining unit responsibility for the plan, both of those options in this piece of legislation are unacceptable because they do not address directly in a real way the question of being at arm's length and the question of effective member involvement in the design, operation and administration of the plans.

We have on the books presently a piece of legislation that sets out a number of things. Currently, the bargaining agents for the public servants in Ontario who are covered by this plan are at least guaranteed one representative on the pension board. The new legislation is in fact a step backwards from that present guarantee in the current legislation. Presently, the board is limited to four members and the bargaining unit is guaranteed one of those four members. Under the new bill, Bill 36, there is no cap on the size of the board that will govern this pension plan, and at the same time the guarantee of at least one union representative, one employee representative on that board is removed.

I know the members of the government party will argue that there is no prohibition set out in this bill on having employee representatives, bargaining agent representatives on that board. That is just not good enough. I have risen in this House and spoken on piece after piece of legislation and we do not seem to be able to get it



through this government's head that no matter what its intentions are in terms of perhaps appointing bargaining unit members to that pension board, this legislation will be the law when other governments succeed this one. Whatever their intention may be, that intention may be very quickly breached because they have decided in their wisdom to be less specific than what is already the fact with the public service superannuation pension and its board.

The Ontario Public Service Employees Union has been working and struggling for a long time so that its pension plan, the pension plan that is the pension plan of the the 65,000 or 70,000 members OPSEU represents in the province of Ontario, should be negotiable.

Virtually all of the pension plans that are governed by the Pension Benefits Act in this province are negotiable pensions. It is correct to say that there are some rare few registered pension plans in nonunionized working establishments where, in the formal sense, the pension plans are not negotiated with the employees because there is no formal collective bargaining process, but there is no prohibition to the formal negotiation of those pension plans should the workers in those establishments become organized and make a decision in an organized fashion to attempt to negotiate changes in benefits or changes in conditions under which their pension operates.

#### 1550

This kind of pension and structure set out in Bill 36 is a pension and a structure that in effect prohibits the negotiation of and negates the result of any negotiations which are in fact allowed to proceed in terms of at least the administration of the plan. We have a situation where, although the government has talked about its willingness to negotiate a situation with the Ontario Public Service Employees Union where the plan would be jointly administered or even an option where OPSEU would be theoretically the sole administrator of the plan, the so-called arm's-length, independent board under this piece of legislation is solely responsible to the Chairman of the Management Board of Cabinet.

There is no effective accountability to any process that is contemplated in this piece of legislation to the employees whom the plan is designed to serve.

As somebody who came out of the Ontario public service, I understand all too well the kinds of frustrations that face the civil servants in this province when it comes to discussions around their pension. On the one hand, they have been

frustrated for some 20 years now around the questions of negotiability and accountability. Bill 36, as I said, does not address those issues in any kind of effective way.

The other issue which in effect has frustrated civil servants no end is the constant attacks from private sector organizations—I guess that is the best way for me to put it—that have, I believe, intentionally misrepresented public sector pensions to the larger general public of Ontario, especially around the question of the basic size of the pension on retirement and the question of escalation. "Inflation protection" is the term we like to use out in that sector where we negotiate for pensions. Indexing is another way to put it. Ordinary people understand inflation protection as a term that means a little more to them.

At any rate, we have organizations such as the National Citizens' Coalition which have portrayed this pension as an outrage against taxpayers in the province of Ontario. On the other hand, we all know that the vast majority of private sector pensions, pensions that are negotiated between private sector companies and their unions, are noncontributory pensions.

My father, for example, came out of the Steel Co of Canada. He is now on pension. His pension is not indexed, but that was the choice of those who negotiated the pension at the time his pension was negotiated. Employees decided in negotiations what their overall package was going to be in terms of wages, benefits and pensions, and they determined in that package where they best saw the dollars going in terms of their present and their future, but they had a choice in that negotiating package over the total package of potential gains from the employer.

What we have here are employees who have some say over part of their package in the negotiating process, but not even then complete say over those items which they are negotiating for, because the full collective bargaining process is not open to them. They do not have the right to strike, they do not have the right to go that extra mile to fight for that extra few cents or half dollar or whatever the issue happens to be in that particular set of negotiations. But they do not have the right to negotiate the pension at all, nor do they have the right to negotiate the rate at which they will contribute to that pension.

The member for Middlesex (Mr Reycraft) raised the question just a few moments ago of whether or not my father's pension was indexed. It is true that it was not indexed, neither was the public service superannuation fund pension in the province of Ontario indexed up until the

middle of the 1970s. The decision to index this pension set up a separate fund, the pension escalation fund, for which the employees of the province of Ontario paid extra dollars to gain that indexing. So it was not as if the indexing of the Ontario public service superannuation fund came without a cost—yes, a cost to the government, but a direct cost to the employees as well.

The very simple reality is that in a negotiating situation where the pension had been part of the overall package for which the bargaining unit was negotiating, it is entirely possible that the employees may have accepted the government proposal for an escalator fund and for the deduction of an additional one per cent from their paycheques to cover the cost of that escalator fund.

On the other hand, it may well have gone the other way. They may have chosen to decline the escalator fund because of its costs. They may have chosen instead to see those dollars available to them in the negotiating process as a wage increase or in the form of other benefits. The civil servants of Ontario in 1974 or 1975 never had that choice to make.

That is the point the government members at some point have to start to understand. The one per cent that the employees of the province of Ontario pay out for the escalator fund and the six per cent that they currently pay into the basic pension fund are all direct deductions from their paycheques that they have had no say in, that they have had no option about; they have not been in a position to either go for greater pension benefits or to settle for lesser pension benefits in an effort to see their take-home pay be higher than it currently is. They have not been given the option of making that choice.

That is what member involvement is all about, that is what arm's length is all about, that is what negotiability is all about. That is what joint control or complete control to the union speaks to when the union talks about its options from its perspective on behalf of its members: the ability of its members to make some choices, to trade off one monetary benefit for another monetary benefit that they deem to be more beneficial to them at any particular point in their economic and working lives.

**1600**

This piece of legislation takes a step backward from the current situation under the current Public Service Superannuation Act. Not only has the union not gained negotiability for this pension, but it has lost the guarantee of the one representative it previously had on the pension

board. How can anybody see that as anything other than a step backward?

I think back to the comments of the Treasurer last spring, before this bill was even introduced in the House, when he was commenting on his discussions with both the teachers and OPSEU regarding negotiations around both of the pensions in question, the two legislative pensions that I spoke of earlier. When we were raising questions about negotiability, his response was that he was not prepared to agree on a dispute settlement mechanism that included arbitration if the pensions were negotiable, because somehow arbitration was going to negate this government's ability to be fiscally responsible.

I have never heard so much of a joke in all of the time I have listened to the Treasurer, the member for Brant-Haldimand. He knows full well that the wage negotiations with OPSEU and the benefits negotiations with OPSEU are all subject to arbitrated settlements. In fact, the Crown Employees Collective Bargaining Act demands that disputes be arbitrated if they cannot reach a settlement at the negotiating table.

Mr Speaker, I ask you, has that arbitration, which is legislated under the Crown Employees Collective Bargaining Act negated or destroyed this government's fiscal responsibility? Of course it has not. An arbitration of disputes around questions of pension would in no way hinder the government's ability to be fiscally responsible any more than those monetary items that are already on the negotiating table and subject to arbitration under the Crown Employees Collective Bargaining Act.

As a matter of fact, OPSEU, the union that represents the public servants in this province, the civil servants who are covered under the public service superannuation fund, has asked that instead of this kind of legislation governing their pension, there merely be an amendment to the Crown Employees Collective Bargaining Act to make the pension negotiable under the same terms and conditions as all of the monetary items already are.

I would suspect that if the Treasurer had really thought about what he was saying in the context of the overall monetary package that he commits each year to the wages and benefits of public servants in the province of Ontario, he would have chuckled at his own comments and got up with a different response the next day. Unfortunately, he never thought that through. His comments were focused strictly on a dispute around two pensions, the teachers' pension and the public service superannuation pension, both of which have been mismanaged by this government and its predecessor.



The government members can sit there and say is not true for as long as they like, but we have all kinds of examples of public sector pensions where they are contributory pensions at the same rate as this one or lesser rates where those pension funds have been properly managed, where they are in surplus, where they have provided indexing without any additional cost to the employees, where they have taken contribution holidays and there are still surpluses sitting there.

The OMERS pension is indexed to the CPI. It has been that way for over a decade now. Members of OMERS contribute seven per cent, the same as the Ontario public service employees do. Looking at their contribution rate and the management of the fund—because pension funds do have to be managed; they do not just look after themselves because you have put some money in—the surpluses that have been generated by the management of that fund have not only paid for the indexing to CPI, but they have paid for that indexing and left a surplus of \$400 million in that fund.

We have the Hydro pension plan. The Hydro pension plan is also a contributory plan at a rate of five per cent; not seven per cent, five per cent. That fund is indexed at 60 per cent of the rate of inflation. As well, that fund has significant surpluses. In fact, I believe it was just last year that Ontario Hydro took contribution holidays from the pension fund, at five per cent, even though that fund is paying for indexing and has surpluses. The surpluses are still there in addition to the—

**An hon member:** They could have provided full indexing.

**Mr Charlton:** That is right. With the surpluses that were in the Hydro fund, they could have provided full indexing.

We have the hospitals' pension plan. It is indexed at a rate of 75 per cent of CPI, and not only is it indexed at 75 per cent, but again the contribution rate is only six per cent. The six per cent contribution rate in the hospital fund has created a huge surplus and, again, the hospitals have taken contribution holidays worth over \$100 million, still leaving significant surpluses in place.

The government can stand up in this House and argue that the PSSF, the public service superannuation fund, has not been mismanaged, but unfortunately, that comment rings quite hollow from this government because we can simply go back to Hansard and find the Premier, the member for London Centre, and the Treas-

urer making comment after comment, year after year—and you will recall these comments, Mr Speaker—about how this pension and the teachers' pension were being mismanaged by the former government.

After what is essentially 20 years of gross mismanagement of this pension fund and the teachers' pension fund, we have got the government in the House with a piece of legislation, Bill 36; a piece of legislation which is asking for another one per cent from the employees, and, yes, it will be matched by one per cent from the government, but who mismanaged the fund? The employees? Not on your life; they have not had anything to say about it. It may be true that 75 per cent of that 20 years of mismanagement fell under the former administration, but it was still the government, the employer, that mismanaged the fund, and only 25 per cent, the last five years, was mismanaged by this government.

Regardless, to have the gall to come into this House and to ask the employees to pay anything to make up for deficits that resulted from the way the plan was and is managed is outrageous.

I can imagine the outcry on the faces of the government members across the way if the bill we were dealing with here before us was a piece of legislation asking the members of this House to pay additional money because the government had mismanaged the members' pension fund over which we have no control in administrative terms. They would scream blue murder if the government either asked them for more money to make up for deficits because of mismanagement or asked them to take less benefits in order to secure the fund.

## 1610

None of us, as members of that plan, have had any say over the administration of the plan. Even though, at least, we have had some say over the structure and the benefits of the plan, we have had no say in the administration of that plan, how it is invested and what the potentials for returns are. Well, neither have the civil servants in the province of Ontario and neither have the teachers in the province of Ontario.

That responsibility lies solely on the backs of this government and its predecessor, and it is not the responsibility of those people who have devoted their lives to working for the people of the province of Ontario and paying out six per cent and then seven per cent of their income into a pension fund. They should not be asked to make up for the errors in the borrowing of governments in this province because, let's face it, most of the problems in those two pension funds have

resulted from low-interest public sector borrowing by this government and others from those two pension funds.

The changes in the act may remedy some of that for the future, but the fact that this bill also includes a demand that the employees make up half of the shortfall is unacceptable when the responsibility for the shortfall lies wholly on the employer's side.

This brings up another major problem that I have with Bill 36. It is not a new problem in Bill 36; it is an ongoing problem in this case. That is the conflict of interest between being the government that is passing this legislation and being the employer. That is precisely why having a pension plan that is legislated by government legislation. Let's face it, because this deals with the expenditure of crown funds, it cannot ever be dealt with by private members' legislation. It has to be government legislation in order to expend the moneys in question.

There is a clear conflict of interest. The government has one role, yes, in terms of its accountability to the taxpayers or the people of Ontario and this question of fiscal responsibility, but it also has the role of employer. It cannot do both in the form of a bill which sets out the legislation that governs the terms and conditions of the pension plan for the employees for which the government is employer.

That is why it is absolutely essential that the questions that are part of the pension responsibilities of this government and its pension relationship with its employees become a part of the overall collective bargaining process with its employees, so that it can play its role of employer in the forum where that is appropriate in negotiations with the bargaining agent for the employees and it can come into this Legislature with its budgets and the restraints on its budgets and play the role of government in the House.

But it cannot do both around something like a pension and not understand that there is an inherent conflict of interest in terms of how it perceives not only the problem that has evolved with the pension plan but its approach to solving that problem which, again, is to ask the employees to make up for half of the mismanagement that has resulted.

Bill 36 is a piece of legislation which is not necessary. It is a piece of legislation which will only, in the long run, make things worse. It is a piece of legislation which, because it changes a number of the specifics that are set out in the current piece of legislation, may in fact be

subject to abuse in the future when the government changes, and it surely will.

Not only that, but it is a piece of legislation that essentially ignores all of the rhetoric that we heard from the Treasurer on the matter of teachers' pensions and public service pensions last spring.

It is time the government went back to the drawing board and seriously thought through what pensions are about, what the Crown Employees Collective Bargaining Act says and what the process that is set out under the Crown Employees Collective Bargaining Act really means. That is not a process we fully support either because it does not represent full and free collective bargaining, but it is the system under which the employees of this province do negotiate. It is a system under which they would rather have this pension plan than have it under legislation.

This government has to begin to understand that in order for employees to be able to negotiate effectively, they have to be able to have the full range of choices to make with the financial potential, whether it is large or small, that the government goes into negotiations with as a total package. The employees have to have the right in that collective bargaining process to determine how much of that package they want in wages, how much of that package they want in benefits, health care benefits, dental benefits, insurance benefits, and how much of that package they want in retirement income set aside.

The government cannot take away a third of the package and arbitrarily make those decisions for those employees and ever hope that they will be happy with the overall package, because the package itself gets distorted by their lack of choice around a major portion of what many employees of this province, and any other employee for that matter in this society, see as an important part of what they have to think through in terms of their financial planning about buying a home and, at the same time, attempting to plan for their retirement and their future.

But if the government takes away a major part of that package so that the planning cannot be a full package of planning, researched and thought through, then it has limited their ability to ever satisfy what they see as their needs by some spurious argument that somehow, by making the pension plan negotiable and ultimately as a dispute settlement mechanism subject to arbitration, this government is going to lose its fiscal responsibility and accountability when, in fact, the other two thirds of the package are already



subject to that kind of dispute settlement mechanism by the decree of this government.

It was the former government that passed the act but this government has not moved to change CECBA, to remove the compulsory arbitration sections of CECBA. This Treasurer, this Premier and this Minister of Financial Institutions and Chairman of the Management Board of Cabinet, who is responsible for this bill, have not seen any huge crisis of fiscal responsibility emerging because of the arbitration sections in the Crown Employees Collective Bargaining Act. There will not be any more significant crisis as a result of arbitrating a whole package, including the pension, than there is now arbitrating when it is necessary and it does not go to arbitration that often, the decisions around wages and all the rest of the things in the benefit package, with the exception of pensions.

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We are, as I said at the outset, determinedly opposed to Bill 36. This government should withdraw the legislation, go back and sit down with the Ontario Public Service Employees Union and come back to this House with serious amendments, most likely to the Crown Employees Collective Bargaining Act, so we can get this whole thing on the right track, a track where there perhaps is some eventual solution to the problems and the disputes between the government and the union on pension questions as well as other questions.

This piece of legislation, Bill 36, does not address those concerns and disputes and certainly does not resolve any of them. It makes some of them, in fact, worse than they already are.

**Mr Reycraft:** The member for Hamilton Mountain chose in his speech to make at some length the point that he believes the public service pension fund has been mismanaged. I do not believe that it has. I do not believe that there is any actuarial evidence indicating that the fund has been mismanaged. I know that the government had three independent studies done of the pension fund by gentlemen named Rowan, Coward and Slater and I wonder if the member for Hamilton Mountain could indicate to us what the basis for his mismanagement charge is.

**Mr Charlton:** The response to the member for Middlesex's question is a very simple one. The requirements of the law in terms of the management of pension funds are minimal. There is a difference between minimal and what any other pension manager sees as his or her role, which is to maximize the benefits which the pension fund returns to itself.

That is what this government has failed to do over the course of the last 20 years. It has seen as its role to use that fund to its best advantage for public borrowing and not to maximize the benefits to the fund and therefore to the employees. It is simple, this business of today has to do with a conflict of interest that I mentioned earlier in what this government sees as its role.

**Ms Hošek:** I appreciate hearing the views of the two opposition parties on this bill. I will speak very briefly at this juncture and perhaps respond to some of the issues that have been raised so far, knowing full well that we will discuss them more as time goes on. The first and important thing to remember when looking at this bill is that it responds to a very serious problem, that is, although the previous government agreed to index the pension plan of public servants, it did not indeed plan to pay for that indexation.

The first priority of this government is to make sure that the existing benefit level, including the indexation part of the pension of our public servants, is funded adequately to make sure that it will be there to pay the expenses associated with people's pensions when the time comes for people to collect them. In order to do that, the government has agreed to pay the entire past deficit, which is close to \$2 billion, to make sure that the people who are currently retired will have their pensions paid for according to that original agreement without having to put any more money in.

In order to make sure that the people who are currently working in the public service will have the money that is necessary for them, not only for their pension but for it to be indexed as fully as it is in the plan, there needed to be more resources put in and, in order to do that, both the government and the employees will be putting in one per cent extra every year.

If nothing were to be done about this pension, the indexation fund would be exhausted by the turn of the century and the money that people have every reason to count on, and I understand they are counting on, would simply not be there to pay them for the pensions they have rightfully earned. That is the reason the government has undertaken this bill and, at the same time, is making sure that certain key issues are covered.

The first is that all the requirements of the Pension Benefits Act which were passed a number of years ago will apply to the public sector pensions. But the other issues that have been raised, in particular by the last speaker, the member for Hamilton Mountain, having to do

with getting as good a return on that investment as possible, are also being addressed in this bill.

As the member knows, in the past the resources that were put aside for pensions were sold to the government at a fixed interest rate, which in fact is higher than the amount of money the government would have had to pay for getting the same amount of funds in the open market. But the decision has been made that the pension plans of the public service will become like pension plans in the general workplace, invested in the marketplace in marketable securities, and this particular piece of legislation contains some details about how that transition is to be made.

Over time, therefore, all the moneys that are invested on behalf of our public sector employees will be managed in the way that private sector funds are managed, with marketable securities, and it will be available to all employees to get the best possible return that a conscientious and concerned board will have, to make sure that people get as much money as possible.

I think this argument about a conflict of interest is a very peculiar one to hear and to have the members make. Surely it is to the benefit of the employer and the government, as well as to the benefit of the employees, that the best possible return to the pension fund come in, because the better the return the more quickly the deficit will be managed and disappear and the better the possibilities for our employees and also for the employer's responsibility here.

So I think that the commitment to making sure that the fund is managed as well as possible is clear. The way that it will be done is with a board that will make the decisions about how to manage the fund. The board, like other boards which manage pension funds in the private sector as well, will be bound by the Pension Benefits Act which requires it to exercise care, diligence, skill and prudence in its administration of the plan. The board will have a fiduciary responsibility to all the plan's beneficiaries for its actions.

The other question that has been raised a number of times is whether the plan is fully indexed or not, and let me point out that the way the plan works is that the pensions are indexed to an eight per cent cap in any given year. However, if there is inflation higher than eight per cent in any given year, the amount that is higher than eight per cent will be carried over. What that means is that the pensions are fully indexed with a year over year carryover should the inflation rate be higher than eight per cent.

I know there are other concerns that people have raised. We will talk about them in greater

detail as we proceed with this bill. I simply want to put on the record the most important thing of all, which is that we are here as a government to protect both the pensions and the indexation of the pensions of our public service. In order to do that, it must be properly funded.

This bill makes sure that it will be properly funded and also takes on an enormous responsibility of putting in \$2 billion for the previous parts of the pension indexation system which were not adequately funded before. It seems to me that is acting with both fiscal responsibility and fiduciary responsibility for the public service whose work makes so much difference to the work all of us here do and try to deal with on behalf of the people of Ontario.

**The Acting Speaker (Mr Breagh):** Ms Hošek has moved second reading of Bill 36, An Act to revise the Public Service Superannuation Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Call in the members.

1636

**The Acting Speaker:** The chair has received notice that, "Pursuant to standing order 27(g), I request that the vote on the motion by Ms Hošek for second reading of Bill 36, An Act to revise the Public Service Superannuation Act, be deferred until after routine proceedings on 8 November 1989." It is signed by the chief government whip.

For the information of members, you will know that under the new standing orders this is a procedure which allows any of the parties to provide us with notice of deferral. There will be a five-minute bell when the vote is taken tomorrow.

Interjections.

**The Acting Speaker:** Order, please. The House does not wish to intervene on any private conversations, so either you go outside or we do.

**Mr R. F. Johnston:** Grave disorder.

**The Acting Speaker:** I know grave disorder, this is not it.

#### EDUCATION STATUTE LAW AMENDMENT ACT, 1989

Mr Conway moved second reading of Bill 64, An Act to amend the Education Act and certain other Acts related to Education Assessment.

**Hon Mr Conway:** I am going to make some brief introductory remarks because I know my



colleagues in the assembly are anxious to debate the principle of Bill 64. Before my colleague the House leader leaves, I really want to pay tribute to the member for Wentworth North (Mr Ward) because he quite frankly is much more responsible for this legislation than I am and I am very proud to carry it forward because he did some very fine work in preparing the government's policy on this legislation, which I think my friend, the member for Scarborough West (Mr R. F. Johnston) would argue, and would agree at least, is companion to the Bill 30 initiative which the Legislature dealt with earlier in this decade, Mr Speaker, a matter that I know you remember with great clarity and great affection.

Bill 64 and Bill 65, which will follow very shortly, are the two pieces of legislation that deal with the so-called pooling matter. I want to in the time afforded me this afternoon speak to the government's position with respect to the policy which informs these two legislative initiatives. I think it is fair to say that the essence of Bill 64 is a fairer and more equitable sharing of the industrial and commercial assessment that is a very important part of educational finance in the province of Ontario.

Through you, Mr Speaker, to my friend, the member for Lake Nipigon (Mr Pouliot), I would observe that in 1989 we expect that local taxes will make up something like a total of \$5.6 billion of the total educational bill and of that \$5.6 billion total in 1989 some 40 per cent of that, roughly \$2.2 billion, is in the nature of or in the form of industrial and commercial assessment.

**Mr D. S. Cooke:** How much is this going to cost us?

**1640**

**Hon Mr Conway:** Now my friend the member for Windsor-Riverside says, "And how much is this going to cost?" I think the very important point that I know my friend from Windsor-Riverside would want me to repeat is that it is not the cost but rather the benefit of this legislation. There is a fundamental principle and benefit that flows from Bills 64 and 65 and that is—

**Mr D. S. Cooke:** I was just thinking of Bill Davis's commitment that it was only going to be \$40 million.

**Hon Mr Conway:** I am not Bill Davis, late of the riding of Brampton. Not late of this world I might add because we were all here just a few days ago to see the unveiling of his splendid new portrait, but my friend from Windsor-Riverside is asking how much is this going to cost in the Bill

Davis arithmetic and I am not going to engage that mathematical operation.

Interjection.

**Hon Mr Conway:** Perhaps my friend from Mount Forest, the member for Wellington might like to, but I am not going to.

**Mr J. M. Johnson:** No intention.

**Hon Mr Conway:** I just want to make the point again that the principle of Bill 64 is a more equitable sharing of the \$2.2 billion worth of industrial and commercial assessment for school purposes in the province of Ontario.

There has been a long history around this assessment matter. My late grandfather, who served in this Legislature some decades ago, used to talk about an effort of a government decades ago to deal with the very sensitive issue of educational assessment, which led to a very famous by-election out in eastern Ontario in the mid-1930s. The government was not able to proceed with the reform that it had wanted and, of course, during the postwar period successive Conservative governments, to be fair, moved to address a number of the concerns, particularly of the separate school boards who had argued with some legitimacy that they simply were not sharing in a very important element of educational finance.

What we have today is a bill that, while not perfect—and I know that as we proceed through this debate and into the standing committee on social development we are going to hear that it has not solved all of the problems in the area of educational finance. I just simply want to say, in anticipation of what I know is to come later this afternoon, that I recognize that this bill is not the apogee of financial perfection in so far as some in the school community might like.

I want to say that the bill has a number of changes or contemplates a number of changes. Let me just quickly touch on a number of the main changes. The first change that is caused or is established by Bill 64 has to do with the assessment of publicly traded corporations. As you know, Mr Speaker, in the past a publicly traded corporation could only designate to the separate school system its taxes to the extent that the corporation had and could identify Roman Catholic shareholders. Under Bill 64, the assessment of publicly traded corporations will be shared among coterminous schools on the basis of the amount of residential assessment supporting each board in the municipality. That is a change of some significance, I think my friends opposite will agree.

In the second area of business partnerships, business partnerships will now be able to direct a portion of their assessment to the separate school system in the same proportion that Roman Catholics hold an interest in the partnership. Previously, a partnership could only direct support to the separate system if all the partners were Roman Catholics. In the case of business partnerships, the changes will be implemented immediately and I should have added in so far as publicly traded corporations are concerned, those changes will be phased in over a longer period of time; in fact, a six-year period of time overall.

The third area has to do with telephone and telegraph receipts; another very important area of industrial and commercial assessment. I was surprised actually to learn from my officials that—and I think it was last year that the payout for educational purposes from the telephone and telegraph receipts for education purposes was something in the neighbourhood of \$85 million, a substantial amount of money.

**Mr R. F. Johnston:** A lot of telegrams.

**Hon Mr Conway:** My friend the member for Scarborough West says "a lot of telegrams." I do not seem to be one who sends a lot of telegrams, but certainly the receipts here are very considerable. The education portion of the telephone and telegraph receipts will now, as a result of this legislative change, be shared by coterminous boards on the basis of the amount of residential assessment supporting each board in the municipality. In other words, a more equitable sharing between the local boards of those receipts.

So those, really, are three very important areas where we have made changes: publicly traded corporations, and the telephone and telegraph receipts. In both of those cases, we are using the share of assessment, equalized residential and farm assessment, as the calculator for the division. In the case of business partnerships, as I indicated earlier, the proportions there will be determined by the extent to which Roman Catholics hold an interest in the partnership. I should just indicate that in areas such as private corporations, sole proprietorships and, of course, individuals, the legislation does not contemplate change. So it is important to observe that as well.

I should also make the point—because I have a feeling that my friend the member for Scarborough West is going to perhaps comment on what this bill does not do—this bill is what I shall call local pooling. This is not pooling on a province-wide basis.

**Mr Pouliot:** At present.

**Hon Mr Conway:** I just have to say to my friend from Manitouwadge, the member for Lake Nipigon, that the bill is very clear in its intention. We now have, as a result of Bill 30, two fully funded public school systems in the province of Ontario. The government has felt, and I believe this enjoys unanimous support, that as we have two fully funded school systems, they ought to have the same access to such things as industrial and commercial assessment. We have had a lot of debate over the years on this subject. We have had a lot of advice. The government has listened very carefully to a number of submissions, not the least of which was the Macdonald commission, which commission's report I received four years and three months ago, I think it was, when I first became the Minister of Education.

I just have to say to my friend the member for Lake Nipigon that this legislation is built on the principle of sharing as between local boards; or in the case of Ottawa-Carleton, which is dealt with in Bill 65, or in Metropolitan Toronto, on a regional basis—the regional municipality of Ottawa-Carleton or the region of Metropolitan Toronto. It is not province-wide pooling. It is important for me to make that point.

We recognize as a government that there will be impacts. Certainly there is no question that there will be shifts as this legislative change takes effect.

**Mr Pouliot:** You should say severe dislocations.

**Hon Mr Conway:** I would describe the result as a matter of shifting. We are not going to know the full measure of the shift until we have a chance to look at the assessment rolls for 1990. I think that is very, very important. One of the reasons I am so anxious to have the bill debated and passed on second reading, have it referred out for a discussion at the standing committee on social development, to have it reported back, is my friend and colleague the member for Essex South, the Minister of Revenue (Mr Mancini), must get those rolls prepared and out being dealt with at the local level and returned so that we can make the necessary adjustments.

I know that my friends on all sides of the House are very sensitive to the need to get this matter dealt with expeditiously because those assessment rolls have got to be prepared and they cannot be prepared if we do not make the rolls reflect the changes that are made possible as a result of what is contemplated in Bill 64.



Now, I just want to deal quickly with the impacts. My friends will know that, to ceiling, the adjustments are not going to be particularly difficult, because to the extent that a public board's assessment drops, that will be adjusted, with an increase in the provincial grant to ceiling.

**Mr R. F. Johnston:** Oh, to ceiling.

**Hon Mr Conway:** Well, I am coming to the changes later.

When we get to the separate boards, in almost all cases they will see their local assessment base grow as a result of these changes. Therefore, in many cases their grant is likely to drop correspondingly because, as members know, under the system that has been developed in this province, provincial grants to ceiling take into account local capacity. As a result of Bill 64, separate boards are going to find themselves with greater access to industrial and commercial assessment, and in most cases, that will mean their provincial grant will decline. Similarly, public boards will see their assessment drop, and therefore their provincial grant will increase to the approved expenditure ceilings.

Now, we recognize that most boards in this province, perhaps even in Durham region, spend above ceiling. Therefore, the government has indicated and the Treasurer (Mr R. F. Nixon) made very plain in his statement earlier in the year that this government, sensitive to the adjustment, will provide very substantial dollars to ensure that public boards are not disadvantaged as a result of this fair and equitable principle that I think we all support in Bill 64.

As I say, we are not going to know the full measure of these impacts until we see those assessment rolls return for the year 1990. I simply want to make the point that we recognize, and the Treasurer has indicated, that a phase-in period of six years will accompany this initiative to make sure that the adjustments are in the best of that Ontario tradition, gradual and incremental. And we have indicated—my colleague the Treasurer has indicated, and I have also reinforced a point made by my predecessor the now government House leader (Mr Ward), the former Minister of Education—that we contemplate over a six-year period pumping in something in the neighbourhood of \$180 million to ensure that no board is disadvantaged as a result of this change.

**Mr D. S. Cooke:** So you will accept that amendment.

**Hon Mr Conway:** Well, I want to say to my honourable friend the opposition House leader, he knows what his powers are with respect to moving amendments that cause the spending of

money. I think he understands the very important principle of responsible government that makes that a prerogative of ministers of the crown.

But I want to say that I will do what this government said it would do, and I will give a commitment to my friends, sometimes my dubious friends, across the way that we are going to make sure that substantial additional dollars, I would expect in the neighbourhood of \$180 million over a six-year period—

**Mr D. S. Cooke:** It is not enough.

**Hon Mr Conway:** My friend the member for Windsor-Riverside says it is not enough. I can tell him that there is no one in this room who can now predict with absolute certainty what the adjustment is going to be, because we have to see what those—

**Mr Pouliot:** What about the next government, six years from now?

**Hon Mr Conway:** I cannot look to the future with the kind of clairvoyant clarity of my friend the member for Lake Nipigon, but I take very seriously the obligations that this government recognizes in so far as the adjustment of those boards that are going to be affected is concerned.

**Mr D. S. Cooke:** Weasel words and sucker clauses.

**Hon Mr Conway:** No, they are not that at all. They are a genuine recognition by a responsible and responsive government to the needs of our school community, and I simply repeat that the member for Wentworth North, the former Minister of Education, and my colleague the member for Brant-Haldimand (Mr R. F. Nixon), the provincial Treasurer, have made very plain earlier this year what our approach was going to be.

We recognize that we are going to have to increase the provincial ceilings to provide additional resources to those boards which are going to be affected by this change, and we are going to look very carefully at the data that are collected over the next while to see what the pattern is out there in the community because, I repeat, not until we see the return of those rolls will we know with—

**Mr D. S. Cooke:** Then make the guarantee in the legislation.

**Hon Mr Conway:** The guarantee is a very real guarantee. We are saying that we are going to phase in this change over six years. We have indicated \$180 million over that six-year period.

**Mr Kerrio:** Very responsible.

**Hon Mr Conway:** My friend the member for Niagara Falls is a very wise man, close to the

people of this province. I think he would agree that in these times of worry about taxes and such like, often voiced by members opposite, for this government to appropriate and allocate an additional \$180 million is very responsible indeed. I simply want my friends opposite to know that we recognize that we have an obligation and we are going to meet that obligation in a responsible way.

As well, before I take my seat, I want to indicate that the bill also deals with some boundary issues. It is, I will admit, a tender subject, this business of boundaries. I was saying to my staff, it reminds me of an electoral redistribution because it is the case that as a result of the Scott act, when we had the separate school zones, the map in some parts of Ontario is not very tidy. It is going to have to be a lot more tidy if, in fact, we are going to see these changes effectively implemented. There are going to be a lot of municipal clerks who are going to be annoyed with us if we do not make the changes to boundaries that are contemplated in Bill 64.

**Mr D. S. Cooke:** What are you going to do about Dougall school?

**Hon Mr Conway:** I want my friend from Windsor to know that I met the group from Windsor the other day and I felt we had—

**Mr D. S. Cooke:** I was excluded from the meeting.

**Hon Mr Conway:** It was not because I excluded my friend from Windsor-Riverside. I simply have to tell him I felt it was a good meeting. I heard what they had to say. I think they had a sense of what I had to say, and we will see what the future brings.

**Mr D. S. Cooke:** They told me they could not get a word in on the issue.

**Hon Mr Conway:** I cannot comment on that, but I just want to make the point that the legislation brings about a number of changes to the boundaries question, and that, I just simply say to the House, is a matter of administrative requirement and necessity simply because if we are going to cause, as the main part of the bill suggests, a reapportionment of industrial and commercial assessment and we are going to talk about municipal boundaries, then, to the greatest extent, we have to make the two school districts, public and separate, much more coterminous, much more congruent. That is what we seek to do in this legislation, as well.

That is essentially what Bill 64 is all about, a fairer and more equitable sharing of the over \$2 billion worth of industrial and commercial

assessment as between the two publicly funded school systems in Ontario. It is a sharing on a local, not a province-wide, basis. It is a legislative initiative that does recognize that there will be impacts on a number of school districts, most of them public school boards, and for that reason of adjustment, this government has indicated that it will be phasing in the bulk of this change over a six-year period. We will be adding, we expect, something in the order of \$180 million over that six-year period to make sure that no board is disadvantaged as a result of this initiative.

We recognize that it is not perfect and that there are other aspects of the educational finance agenda that remain to be dealt with. The inequity between the rich and the poor boards is something that I have to tell members, as the member for Renfrew North—like, I know, my friend the member for Algoma (Mr Wildman)—I think about a lot.

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We look to areas such as Windsor and Scarborough, and we think of what it must be like to have access to that kind of local wealth. But we are reasonable people, my friend the member for Algoma and I, and we think about future issues that are going to be important, because I want to say in conclusion that there are other issues on the educational finance agenda that have to be dealt with.

This bill is not the final word on those other aspects of the finance question, but I want to say that I appreciate it. I want to say that this government, when it comes to supporting our educational institutions, whether they be at the elementary, secondary or the post-secondary level, has been very strong, very positive and very much in the tradition of doing what it said it would do. I know that my friends from the New Democratic Party have that happy luxury of never having had the opportunity to—

**Mr D. S. Cooke:** What did you say when you were on this side of the House?

**Hon Mr Conway:** I remember what I said when I was over there, but let me just say in conclusion, again, that I have appreciated throughout these four years and three or four months that I have been in the executive council the three-party support for the core policy, of which Bill 64 is an important part; that is, the extension of public funding to separate schools in the province.

I know that my friends in the New Democratic Party and the Conservative Party will in the course of this debate point to some aspects of the



legislation that might need to be improved upon, but I know they will not retreat from something that has been the hallmark of their behaviour in my time in government, and that is their foursquare support for the Bill Davis policy of full funding for separate schools.

This Bill 64 is, I repeat, a companion piece that is fair and equitable, I believe, not just to the separate school system but to the public school system. When I think about the adjustment funding that is contemplated, I must say that I think the Legislature has before it a very fair and reasonable proposal, and I would submit it now for the comment and the unanimous approval of my colleagues on all sides.

**The Acting Speaker (Mr Cureatz):** The Minister of Education has begun discussion on Bill 64, An Act to amend the Education Act and certain other Acts related to Education Assessment, to whom I say it is a pleasure to hear him again. It reminds me of other times. Questions and comments?

**Mr R. F. Johnston:** I do have a couple of questions of the minister, in conclusion. I would just like to say that because I felt that the minister, unused these days as he is to introducing bills—it has been so long since he did this that he got into that “in conclusion” business only two or three times. In the old days he would conclude any speech five, six or seven times. I think he needs a little bit more work, so I am giving him another chance to conclude by asking him one question.

The question is, the minister knows the great fear that the public system has. The public system has a great fear of losing in the whole extension of funding to the Catholic school system. It has been the great paranoia that has hung over their heads for a long time, to mix a metaphor. I want to know why it is today that the minister will not say that the real costs to public boards will not be assumed.

I want to know why he keeps talking that it may be \$180 million or it may be more, but certainly it may be different figures. As the minister says, we will not know until we see the assessment, but the principle, that very important principle, that this change will not in any way negatively hurt a public school board in the province of Ontario is a responsibility that the minister and his government should be accepting. It is just a very easy thing for him to say and it is a very easy thing for us to put into this bill as an amendment; as the minister says, not for an opposition member to do but for the government to do.

This would be the one thing the minister could do to make the public boards feel better. I am surprised that throughout his speech today we heard weasel words instead of that very straightforward commitment, something that in fact was promised in the overall separate school funding debate years back, that nobody was going to be hurt badly in the public school system because of this.

Instead, we are hearing today that this commitment to total funding of the negative impact will not necessarily be assumed. I think that is what those people want to hear and it is certainly what I want to hear through this process.

**Mr Wildman:** I have comments—actually, one comment and two questions. First, I would like to dissociate myself from the characterization of myself as reasonable. Second, I would like to ask two questions.

There are 13 public boards in the province, most in northern Ontario, that have indicated that they expect they will be adversely affected, unlike others. I am wondering, as my colleague from Scarborough West indicated, why the minister in introducing the legislation now could not give assurance to those 13 boards, not a figure, but that they will not be adversely affected and that the government will assume the responsibility of ensuring they are not.

The other question I have is in regard to what comes next. I know that the minister in introducing this piece of legislation indicated that there were other issues that must be resolved and that these are the rural boards and the northern boards and the lack of assessment they have in comparison to some large urban centres in the province such as Toronto, Ottawa, London, whatever. What assurance do those boards have that this process will in fact be ongoing, and not that this legislation will pass and go through the years of transition envisaged by this legislation and we will not in any way advance to the point where the problems faced by rural boards will be addressed?

**Mr D. S. Cooke:** Just briefly, the minister did not spend enough time dealing with the real problem of education financing, and that is the commitment the Liberal Party made in the past of 60 per cent funding of education. He knows as well as I do, as a former trustee for a school board, that if in fact the Liberal Party had lived up to its commitment of 60 per cent and had raised the spending ceilings for grant purposes to a realistic level in the province, we would not have nearly the problem we have now in dealing with

separate school boards and the sharing of commercial and industrial assessment.

He also knows we would not have the problems with rural boards and northern boards feeling that they are not going to be properly assisted under this piece of legislation if the government had followed through with its commitment.

I remember very well when the current minister was the Liberal critic in this place, when they were the official opposition, asking questions of the then Minister of Education, Bette Stephenson. The answer she used to give was they were at 60 per cent if you considered the contribution the government makes to the teachers' superannuation fund. At that point, the Leader of the Opposition at that time, now the Premier (Mr Peterson), and the critic, now the Minister of Education, said how unfair that was and how inaccurate that was and how that was distortion of the facts and the promise the Tories had made about proper education financing.

I think that the longer the government stalls on fairness and on the 60 per cent commitment, the more difficulty we are going to have with having equitable education right across the province. Under the current financing that exists, there is no doubt at all that poor boards in rural and northern Ontario, and in rural southern Ontario as well, cannot offer the same level of education that rich urban boards can provide because of the inequities.

**The Deputy Speaker:** Are there other questions and comments? Would the minister wish to reply?

**Hon Mr Conway:** Certainly, Mr Speaker. I want to start with the last observation first, if I might. I do not ever remember being the critic for Education. I used to be the critic for Colleges and Universities. But I am quite happy to speak briefly to the point. I say to my friend that I think we have been more than reasonable in the overall increases we have afforded school boards in the last four years. Now, my friend the member for Windsor-Riverside says 60 per cent. At the present moment we are at about—I forget what it is—roughly 55 per cent of approved expenditures, and actually—

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**Mr D. S. Cooke:** More like 43 per cent.

**Hon Mr Conway:** All right, but my question is, if it is going to be 60 per cent of southwestern Ontario blue sky, then the taxpayers of this province are going to—

**Mr D. S. Cooke:** What did your policy mean? What were you talking about when you said 60 per cent?

**The Deputy Speaker:** Order, please.

**Hon Mr Conway:** I want to know what the member means. I tell him that at the present moment in many jurisdictions we are above 60 per cent of expenditures. In some districts the spending, because of local wealth, is so very high that one begins to have difficulty understanding what an open-ended commitment of 60 per cent to that kind of expenditure pattern might mean for provincial taxpayers.

I do not agree with the member for Algoma who says he is not reasonable. I have found him to be eminently reasonable over the years.

What is next? I simply make the point that we are, as a government, sensitive in particular to the needs of the assessment-poor boards and we are simply, over the years, going to have to find more and better ways of addressing their needs. I say that from a personal point of view because certainly the Renfrew boards, like the Algoma boards, are in that category.

I want to say to both the member for Algoma and the member for Scarborough West that I thought I was clear about our commitment. We are saying to school boards that there is going to be no school board that is going to suffer a net loss of revenue as a result of this policy. That is the operative principle on which we are proceeding. I want them to know, though, that until we see the rolls and see the next few years of implementation, we will not know what that absolute impact might be.

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr R. F. Johnston:** I think that was much clearer. It is good to get him to conclude that fourth time because that sounded like a better commitment. In the time between now and the actual public hearings we hold, or perhaps at the time of looking at any potential amendments, the government will actually put that kind of wording in so that the boards around the province do not have that concern about ending up with some kind of net loss in this whole matter.

**Hon Mr Conway:** Mr Speaker, on a point of order: I might have misspoke myself and I want to correct the record. I meant to say—maybe I did say this, but I want to be clear—

**The Deputy Speaker:** That is not a point of order.

**Hon Mr Conway:** I just want to be clear on the point about the amount of industrial and commer-



cial assessment in terms of the taxes: about \$2.2-billion worth of school taxes in 1989 as a result of industrial and commercial assessment.

**The Deputy Speaker:** Thank you for the point of order. The member may proceed.

**Mr R. F. Johnston:** I fan myself with relief that we were not in fact getting a withdrawal of the commitment on the principle but only a clarification of figures. I feel much more relaxed now as I rise again to say that this principle is vitally important to us as a party.

I am rising today to support this piece of legislation, but basically to damn it with faint praise as well, and to say that I am a reluctant supporter of this initiative, primarily because of its limitations and its particular focus. The crying need for a major overhaul of the educational finance system is so great that this kind of tinkering, which one must see this as being in comparison with the other great inequities that are out there, and the actual results of this kind of change by coterminous board pooling is something that really needs to be addressed at this point.

This is an interesting bill, as most of the Education Act bills are. There are some parts of it that are just straight, normal, dull and dreary kinds of amendments around finance, and then there are all these very strange and arcane parts of it, such as the very strange separate school board zones that exist out there in the province of Ontario today, which bear no relationship at all to any of the board structures we have and certainly make any kind of notion of having coterminous board operations laughable.

I would just say that we of course accept the principle that it is time to get rid of some of these antiquated notions and have more coterminous examples around the province in order to make sure that other kinds of things besides the sharing of assessment can take place. I talk here about the sharing of resources, the sharing of bus routes, the sharing of all sorts of costs between the two education systems out there so that we can help keep the cost to the local taxpayer down.

There is the other strange and arcane part of this bill that probably no one out there in the public knew about. I certainly did not until I was actually given the explanatory notes and a few extra bits of a compendium that went along with this bill, I had no idea we had this telephone and telegraph well of money that is out there, some \$85 million—

**Hon Mr Conway:** For school—

**Mr R. F. Johnston:** For school board purposes. The minister is right to maybe correct

me on that. Here we have not only taxes levied on phone bills and telegraph messages that are passed, but also on the erection of poles and the utilization of poles around Ontario. It is absolutely mind-boggling that this goes on.

**Hon Mr Conway:** That's real property. These are grants in lieu of taxes paid.

**Mr R. F. Johnston:** These in fact are, as the minister is saying, payments in lieu of taxes paid, but who knew this was even going on out there? I do not think any of us did and this \$85 million is in fact something that by logical extension of the extension of Catholic school funding, should be spread between the two systems on some kind of logical basis. The concept of how it should be done is again something I am not about to argue today.

I do want to put this piece of legislation in context. We have just undergone a set of hearings this fall through the select committee on education, looking at the questions of financing and the terrible problems that the education system is facing at the moment.

We have heard from many deputations around the province just how unrealistic government funding is at the moment, just how difficult it is for school boards to be able to manage. Then we look at what the government's major initiative in terms of operating costs is in its four-year period in power at this stage. You have to say that this is not going to deal with the problems. This is in some ways a symbolic gesture to the Catholic school system and not one that has a great deal of meat to it. For many parts of the province, Catholic school boards are not going to see any major change in their basic deprivation in terms of their incomes to be able to manage the education system as it is now expected of them by their ratepayers in the province.

To the public boards in the province, it is yet again another example of the government coming along and taking from them something upon which they were relying. They are feeling very insecure that out of this process they will be the poorer, that their students will be less well off in terms of the quality of education they get.

As a member of that committee, I know we had the wonderful work done by our researchers, David Pond especially, who did a number of background papers for us. One is about educational finance in the province, an historical background. When you look back to how we funded education in the 1840s and the way we now do it and you watch the development of it, moving from one crazy system to another, all lacking in basic concepts of accountability and

equity, you then say to yourself: "What has this Liberal government done here? Has it really addressed those fundamental problems of a lack of equity and accountability?" One has to say, "In small part, in very small part with this bill."

It is allowing us through the notion of coterminous groupings of boards to at least say that we are expecting some kind of local comparison to be made, that the sharing of the commercial and industrial assessment in those areas allows us again to have some kind of local comparability. But it does not deal with the horde of other kinds of major issues that are out there.

We heard in a place like Windsor, for instance, of the various problems the boards there saw. What struck me was not the great difference in terms of the Catholic board and the public board in what was being spent and their capacity to raise funds, although there were quite sharp differences, but was the enormous differences that existed in Windsor proper versus those that existed in Essex county just outside it.

You would see a dramatic change in the amount of money that could be raised for the average cost of educating a student in the county. It was much, much lower than that for the same student if his parents happened to live in the city of Windsor, even though potentially his parents might both work at the same Windsor van plant, for instance, contributing to the wellbeing of the overall region as a result of their work and their taxes and income that were developed in that area, and yet the money that was there for the county is just a tiny fraction of what was there for the city.

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To give members some idea of what we are talking about, here are some of the figures. Windsor Public School Board, for the elementary panel, is spending \$5,213 a student; the Windsor Roman Catholic board is spending \$4,548 per student. It is a difference of \$700. But if you compare that with what Essex Public School Board is getting, which is \$4,000 essentially, in comparison with that \$5,213 for the public board in Windsor proper, you can see that is a much bigger difference. That is the problem that really needs to be addressed, as well as this difference between the separate and the public systems.

In comparison, just to give members the figures, because I think it is very important: Essex public, \$4,063 per pupil cost; Essex Roman Catholic, \$4,023. In other words, there is a very incidental difference between the capacities at this stage of the two county boards to be

able to provide for their students and yet just a mile or two away, across the border, students are having another \$1,000 spent on their education, which has not been the case in the county.

This change that the minister is bringing in today does not even address that fundamental problem. Interestingly, he addresses part of it and that is that in Windsor itself the Catholic board now will be able to access funds that it was not able to get before from commercial-industrial assessment. As a result, they are likely to be doing substantially better at the end of this process.

But the difference for the people in the county will be negligible. Why? Because the assessment is not there. The big auto plants are not in the county, they are in the city, even though those people who work in those plants may live in the county itself. That basic inequality is not dealt with here. There have been a number of suggestions about how to deal with that and I will be glad to come back to that as I deal with this issue further on.

The Windsor Roman Catholic Separate School Board did give us some interesting information. I will share this with members because it is the kind of thing you get when you are on committee and you do not get when you are sitting in the House, generally speaking, in terms of these speeches that we give here, which are usually more general. This is from the presentation by the Windsor Roman Catholic Separate School Board and it basically indicates a few of the following things.

For every \$1 raised from residential assessment by the Windsor separate school board, the Windsor Board of Education can raise \$1.70 at this stage. For every \$1 raised from commercial assessment by the Windsor separate school board, the Windsor Board of Education can raise \$8. Therefore, this kind of change we are talking about here obviously will be of assistance to the local Catholic board in Windsor, but if you look at the possibilities for the board in the county, it is just not there. In fact, they have put some fascinating statistics at the end of their presentation, which I think will be interesting for members.

This is the change that you would basically see. To get to the same level of expenditure as the Windsor public board of education, the county Catholic board would have to get an extra \$14,468,000 of income. There is no way that assessment exists out there in any way that can bring about that kind of equalization. To be equal to the Windsor Roman Catholic system, it would



be an extra \$5 million. With the changes we are talking about here, we are talking about that going up again perhaps by another \$2 million. They will be in deficit, even farther behind their Catholic counterparts just a couple of miles away. In terms of the Essex public board, the only difference there is \$353,000.

I say to the minister and to the Liberal government that we are dealing with something here which, yes, on a coterminous basis is making some kind of an impact, especially in the assessment-wealthy areas, but in the assessment-poor areas it is another matter altogether.

I was in Sault Ste Marie recently and the member there drew to my attention another kind of anomaly which is parallel to this; and that is that the public board and the Catholic board in Sault Ste Marie will now get to divvy up, instead of it all going to the public board, Algoma Steel's very major assessment to the city at this point. This is a major concern to the city of Sault Ste Marie, of course, to the public board, and it is one of the reasons why it is one of the boards which is likely to need help from the government out of this \$180-million pot that has been set aside over the six-year period.

What it does not address is the terrible position that the Algoma board is in. People who work in that plant, who shop and who participate in so many other ways in the social life of Sault Ste Marie but who happen to live outside of that border do not get one cent of that assessment. So the discrepancy will be enlarged between the have-not, low-assessment areas outside areas outside of the Sault and now both boards inside of Sault Ste Marie itself. So what you end up having is the rich getting richer, in terms of the Catholic boards in assessment-rich areas, the public boards being hopefully buffered entirely for a six-year period so that they do not lose anything, so they maintain their relative wealth, and the losers are going to be both the public and the Catholic boards in the areas just outside the coterminous boards' boundaries. They are the ones who are going to get hurt the most.

You can find this all through the province of Ontario. The member for Niagara Falls is here and if he starts to think about some of the differences in the peninsula, one can see the same kinds of anomalies starting there. The Carleton board brought forward to our attention and so did the—

**Hon Mr Conway:** I think we can accept the analysis; now, what's the cure?

**Mr R. F. Johnston:** I am very happy to talk about the cure, and I will come to that in a

moment. Is it not good that he wants to speak to me through you in this fashion, Mr Speaker? I am pleased to conduct the conversation in that way.

We got a superb presentation from the completion office of the separate schools, which one might have expected to be coming very much from the sense of just a Catholic perspective, if I can put it that way, from a fairly self-serving kind of notion, but, in fact, it did not. It raised, of course, the problem that was there between the two systems that this is trying to meet on a minimal kind of fashion. More importantly, they addressed this difficulty of the discrepancies across the province.

Mr Speaker, it is not the sort of thing that I can even point out to you, let alone the people who might be trying to watch this debate at home, but the difference in potential assessment between the city of Toronto on this graph and, surprisingly, Carleton, just outside of Ottawa—a major growing area—is phenomenal. Carleton has approximately 20 per cent of the capacity to raise commercial and industrial assessment as does the city of Toronto. Think about that, Mr Speaker. I know this is of interest to you because your riding is Prescott and Russell and is quite close by.

**Hon Mr Conway:** The city of Toronto is a mix of industry and business; Carleton is largely suburban.

**Mr R. F. Johnston:** I am glad, Mr Speaker, that the minister, through you, has told us all the demographic differences between the city of Toronto and Carleton. I was coming to this, and I appreciate his prompting.

Of course these are demographically different areas, and that is what I am trying to raise, but a student is a student and a school system is a provincial responsibility, and giving an equal education opportunity is one which, surely, we all accept.

What I am trying to point out is that it might be a surprise to people to think about a growth area like Carleton as being low in assessment. I do not think we think about that, and certainly this government does not think about York region in that fashion, because it dumps York region into the great GTA, the greater tax area of Ontario. But we learned in the committee that York region suffers a similar low assessment. In fact, we can see in this relative chart that it has only about 40 per cent of the capacity to raise funds as does an area like my own.

So, the interesting point here, Mr Speaker—coming back to your situation in Carleton; and we will deal with this bill next, as a matter of fact—is this whole problem of the new French

board trying to have, basically, a public and a Catholic side to it, at the same time as we have the English systems, Roman Catholic and public, with the lowest assessment base in this whole chart that I have got.

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So we have got this enormous problem. What are we dividing up in the end? If we deal with this on just a local coterminous basis, what in fact are we dividing up? We are dividing up poverty in Carleton. In Carleton, we are splitting it every which way. In the city of Toronto, we are dividing up some wealth, and that kind of movement is useful. But let us remember that the statistics are as follow: the approximate cost of this kind of a change to the public board in an area like Toronto is three per cent.

Why did the government not go further in pooling? The obvious answers are there monetarily. I wish they were there for other reasons. Monetarily, they are there because regionalized pooling would probably mean about a 15 per cent shift in dollars because of these regional discrepancies I am talking about.

That would still not do much for friends of mine from the north because there we have regions, as a whole, which are low in assessment.

**Hon Mr Conway:** I can hear the echoes of Bill 127 off these rafters this afternoon.

**Mr R. F. Johnston:** I have no idea why the minister is heckling me in this kind of fashion, unless it is that he has not got the patience any longer to wait for me to come to these things in the fullness of my comments, as I am sure he knows I am going to.

The matter I was trying to raise is the concerns around province-wide pooling. For instance, we would have about a 30 per cent shift in dollars on commercial-industrial assessment. To do that would be so incredibly expensive if the government tried to protect the public boards, or would be so destructive to the capacity of our public boards to be able to operate, that this clearly is not an option at this time.

So what has the government done? It has taken a very small and symbolic step. It is a means of sort of patting the Roman Catholic system on the head in a paternalistic fashion and saying, "There, there, we said we would complete things after Bill 30, and this is it," phased in over six years. Phasing in the amount of money over six years for Essex county is not going to make a heck of a lot of difference to those people, quite frankly. In the wealthier areas, it will mean

something year by year, but in those poorer areas it is not going to do a great deal.

One of the things that struck me throughout this whole process—and the process I am talking about is the committee hearings that we had—is that we cannot deal as a government, we cannot jump in and take on an issue like pooling, in isolation. I noticed how the minister in his remarks, in his soothsayer fashion of trying to predict what it was I was going to say, was trying to sort of cut off any notions that we needed to have connections of thought here between various forms of financing of education and that we should not look at such notions as ceilings when we consider these fashions.

We should not perhaps think of such notions as accountability when we deal with these matters. We should not look at the Macdonald commission in its entirety and we should only talk about this one little portion of it, whereas the minister knows—and I will come to this—this was just a very small portion tied into another very important principle that the Macdonald commission was talking about.

**Hon Mr Conway:** You are making a pitch for a larger portion of the Macdonald pie, but I am very much interested in what portion you want to digest.

**Mr R. F. Johnston:** At least, I would have to say, that that was not a mixed metaphor and I hope that Hansard was able to get it, because so often we get mixed metaphors here through interjections. It is one of those very confusing things especially now that we have Management Board representation here. I am sure we will hear more of that as we carry on.

I came to the realization during those hearings this fall that this bill was small potatoes. It came to my mind that, in fact, this was more window-dressing than it was substance; and, unfortunately, while it is window-dressing in the sense of what it really means to the assessment-poor Catholic boards, it is also very disquieting in terms of the public system. They just see this as one more step to take away from them during this process.

The minister now may start to point fingers and get a little apoplectic that I would say such a thing, but I am talking about perception here. I am talking about the public board—

**Hon Mr Conway:** Now you are starting to sound like me.

**Mr R. F. Johnston:** Oh, I do not know if I can stand that kind of an insult. For the minister to actually say that I am sounding like him is more than I am able to deal with.



**The Acting Speaker (Mr Breagh):** I think that is unparliamentary.

**Mr R. F. Johnston:** Yes, I think that is getting very close to being unparliamentary, Mr Speaker. Where was I? Have you any idea?

**The Acting Speaker:** You were being unparliamentary.

**Mr R. F. Johnston:** I was being unparliamentary.

**Hon Mr Conway:** I can tell you it was nothing but window-dressing, but it was somehow bad window-dressing.

**Mr R. F. Johnston:** Well, it is an interesting thing. At the one side where it is seemingly inoffensive, it is also threatening. That is a real problem because this was the minister who said there was no pain going to be felt by the public system for the extension of Catholic school funding.

**Hon Mr Conway:** Oh, oh, oh.

**Mr R. F. Johnston:** Oh, yes, the minister did say that in our initial public hearings on Bill 30, but then he said there was no money going to be brought out to buy out the capital problems around the province of Ontario. Then the member for Wentworth North came along and threw money at it in Hamilton and threw money at it in Toronto, as a number of us said he was going to have to do. The kind of posturing that was done by this minister in that earlier incarnation as Minister of Education in fact was problematic for the government during that period.

**Hon Mr Conway:** But compare that to supporting the principle of Bill 30 but rejecting denominational hiring. If you want to see policy elasticity, that's got to be it.

**Mr R. F. Johnston:** Mr Speaker, I do not know if you want me to talk about this section. The minister is now trying to drag me off to discuss section 1361a of Bill 30. I do not think that is particularly in order at this time, but I would be happy to address the civil rights questions that are involved in that kind of protection.

**Hon Mr Conway:** You were the chairman.

**Mr R. F. Johnston:** Of course, I was the chair and had no opinion at the time. I have learned to develop a few since.

The thing that has come to my mind is that, in fact, this government should not be playing around with the window-dressing of Bill 64 at this point. This government should, in fact, be addressing those more fundamental questions

about the inequity of funding on a regional basis and the desertion of responsibility by this government in terms of the percentage of the amount of dollars for education which are assumed by this government compared with local governments.

This government should be looking seriously at the terrible state that the ceiling for education, the basic student cost of education has fallen into in the province of Ontario and should be doing those things of substance and not those things which, on the one hand, are supposed to make Catholic school electors feel better, even though it is only going to help a small percentage of them, and, on the other hand, are making the public school boards feel threatened.

I would just like to comment a little bit, if I might, about some of the other issues and why they are what this government needed to deal with. I have already dealt with the discrepancies in assessment. I do not know if the members across the way know this, but various provinces deal with this question of provincial funding of education in very different ways. We have been tied into an evolution of our system which I think has caused us to be a little blinded, if I can put it that way, by our own history and not particularly progressive and innovative as to where we should be going in terms of the cost of education.

What is the rationale at the moment, if we think about it, for having such an enormous amount of the education burden coming off the property taxpayer, the individual home owner in the province of Ontario? Unlike most of the provinces, we expect much more off that local property taxpayer than do any of the others. There are one or two which are close to us but there are some which are so far away that it is positively frightening.

Let me just give some examples if I might. We have one or two provinces that deal with 100 per cent funding from the provincial level, New Brunswick and Prince Edward Island. We have the province of Quebec, if people are concerned that I am picking examples that are too small, which is assuming 92 per cent of the cost of education at the provincial level. That does include a corporate tax but it is a corporate tax collected provincially, brought into the general Treasury and sent back out of the general Treasury in terms of provincial responsibility. Property tax in the province of Quebec picks up about eight per cent of the actual cost, and the school boards' responsibility is for the delivery of the program and for the other eight per cent fringe programs that they bring in to the program.

In British Columbia, they have a different kind of system. In their system, they have 80 per cent of the dollars assumed at the provincial level, 20 per cent from the individual property taxpayer. Compare that now with the kind of cost that is falling on the local property taxpayer in this province. Members know that in some areas, especially rural Ontario and northern Ontario, people are paying 55 or 60 per cent of the cost of education right off their property tax.

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**Mr South:** Sixty-five.

**Mr R. F. Johnston:** The member for Frontenac-Addington indicates 65 per cent in his case. That is not something unusual. We ran into people, I think it was in Kent county, who came in and showed us their tax bills which were phenomenal. I could not believe the kind of cost that they were paying to maintain an education system.

We ask what the rationale for that is. Does the spreading around of the industrial-commercial money on a local basis, where the money really is in places such as Toronto, Ottawa or some of our large cities, really help the property taxpayer there or anywhere else? The evidence is that it does not help them adapt because the expectations rise at the same time as more money goes in. So in places such as Toronto the expectations of certain kinds of programs being available, whether it is special programs for new immigrants or other kinds of big city concerns, increases the kinds of costs for providing basic education.

The property taxpayer does not get any relief out of this change that we are talking about here today. Surely if we are thinking about a burden today, and we all have frequent discussions with our constituents about taxes, the one that burns them the most is how much their property tax is paying towards education. It does not matter if it is a senior who says, "Damn it, I haven't had a child or a grandchild in the school system in 15 or 20 years and I am still paying out of my home for this education system and I am not getting anything out of it; in fact, it is threatening my capacity to stay in a home." I would raise that with the government if it wants to take some action.

What about the property tax grant for seniors? Just think about that for a second. In 1981, we moved to this grant approach from the old sliding scale that used to exist and we came out with \$500. About two years ago, it went up to \$600. Over that period of time inflation went up a great deal more than that and the actual value of the

property tax grant at this stage, looking at it in 1980 terms, is about half, and that was the first change in that whole period as well. It is important to say, if we want to do something that is really going to help a taxpayer in this kind of situation, there are a couple of initiatives that could be taken tomorrow morning and they have not been taken.

Let's get back to this more general notion of where the money should be coming from. Surely it is time to say that property taxes should be a reflection of the wealth of individuals and the province and that students, no matter where they are in the province, should be receiving approximately the same kind of resources for their education. Surely that is a principle we could agree on. There has to be some flexibility because clearly it is different trying to educate a kid in an inner-city school in Toronto than trying to educate a child on James Bay.

Some kind of notion of that sort has to be accepted. It does not exist in our system today. It does not exist at all. The range of dollars, and I have already given members some examples, is enormous. There is \$2,000 and \$3,000 in some cases between what is being offered in one area and what is being offered in another. Even within a county one can get a \$1,000 difference as we have in the Essex county versus the city of Windsor kind of circumstance.

What we are looking at here is a question of what has gone wrong. Why are those principles not being applied and what kind of legislation do we bring in to change that around? This legislation, frankly, does not touch it one iota; it does not deal with those kind of issues. The kind of thing I think that is really important for the government to start talking about is some kind of major review of where the funds come from and getting them on a more progressive base.

The minister is not here at the moment, but the example I was going to raise was the Macdonald commission, because the Macdonald commission did in fact say that this kind of sharing of the industrial-commercial assessment should take place and that this kind of thing was a useful thing to do. But they put it into a different context. They put it into the context of a major change in where our education comes from at the moment.

One of the suggestions that was made by Macdonald was that 80 per cent of the funds for education should come from the provincial coffers and only 20 per cent should come from local coffers. That was one of the suggestions they had. Another suggestion they had was



bringing in—there were three options, as the minister may recall. I have them here for him—

**Hon Mr Conway:** Do you remember what he said about spending?

**Mr R. F. Johnston:** —if he would like to change them, if he does not recall them at all.

**Hon Mr Conway:** Why can't I get a socialist to talk about spending? I can never get—

**Mr R. F. Johnston:** The minister is back as we can all note now because the interjections have begun again. The class was doing very well listening, I thought, up to that point, but the minister is acting out and—

**Mr South:** Some even agree.

**Mr R. F. Johnston:** Yes, some even agree. I must say I worry. There is the discipline problem in the schools, but I do not want to resort to any kind of unnecessary roughness in trying to keep the minister under control. But I say to the minister that I will talk about spending. If he wants me to, I will come and talk about spending before we get—

**Hon Mr Conway:** No, but Mr Macdonald talked about spending patterns and controls on spending.

**Mr R. F. Johnston:** Oh, yes.

**Hon Mr Conway:** What do you think of those?

**Mr R. F. Johnston:** The minister seems to be absolutely set upon disrupting my train of thought, which is feebly held at the best of times, and I think it would be wise—

**Hon Mr Conway:** But your train is so selective you make Benoit Bouchard look like a pan-Canadian nationalist.

**Mr Villeneuve:** That really shook his train of thought.

**Mr R. F. Johnston:** The member may not get on. I apologize. Is that going to be a major problem for him tonight? I am sorry. It is just that it is hard to focus when one has these kind of federal distractions, something which has never preoccupied me a great deal.

But I was just going to say that the Macdonald commission did in fact talk about the problems of runaway spending. One of the identifying problems with our present ceiling system, and I will come back to that in a minute or two, was that in 1975 the lid was taken off. The control mechanism was taken off at that time. One of the rationales that has been proffered by Liberal members in the last little while about why 60 per cent of approved costs is what we are talking about now rather than 60 per cent of costs is

because in 1975 we took the controls off the ceilings and, as a result, it would just be totally open-ended at this point.

But Macdonald was trying to talk about where the money comes from—and that is what I am talking about at this stage and I will come back to spending, if I might—where the money comes from. He was basically saying that our system is inequitable and it is unaccountable and we need to make it progressive and accountable. I thought he came up with a number of mechanisms that were worthy of note and that the minister could either take one of them, or he could take one of them and amend it, and say that something of this sort would be better. But it is unthinkable that we can have this continual escalation of the burden on the local property taxpayer, and that is what is taking place.

We can use any rhetoric we want around the 60 per cent figure, and I would say to the minister the reason that people hang on to that so desperately is that it has been the benchmark. I would also say to the minister that there is some argument for moving away from that. But if we move away from that concept of 60 per cent, then we have to replace it with something else.

I do have suggestions there and I would be glad to have them forward. But the thing that Macdonald was basically saying is that it is time we thought about where these dollars do come from and whether they are progressive or not.

I am worried about this move towards pooling because some people are trying to interpret it as a first step towards other kinds of pooling. I would suggest to the government that before it takes those steps, before it goes any further on notions of pooling, it has to think very seriously about these other kinds of questions, the question of accountability being one of them.

I would ask anybody in this room today to try to explain to a local electorate what the local school board is responsible for and what the provincial government is responsible for in education. The member for Durham Centre (Mr Furlong) is trying to rise to do so because he had so much experience on the select committee following this kind of thing that he thinks he now is ready to answer this question.

In point of fact, it was raised with us: Is the city of Toronto less accountable or more accountable when it is paying 100 per cent now of the costs of education off the property tax and the industrial-commercial tax in the city of Toronto and the province is paying not a nickel for the general cost of education in the city of Toronto? Is it more or less accountable to its electorate than is a

northern isolated area where 95 per cent of the costs of education are being assumed by the province of Ontario but there is also a board of education which is delivering the goods?

Where do you lay your responsibility on how special education is being delivered at the local level, whether there is integration or whether there is segregation being used? How do you make any of those determinations in our present system?

**1750**

The move towards limited pooling took place around Bill 127 a number of years ago on a regional basis for Metropolitan Toronto. A number of us at that time, including some members opposite, spoke against that bill and against Bette Stephenson, the then minister, saying this would be a dangerous thing because of a lack of accountability.

Unfortunately, the government did not learn the lesson and we had a strike just a short time ago around an issue called preparation time in which elementary panel teachers in Metropolitan Toronto decided they wanted to get some recognition for the time it takes to prepare classes, just like their secondary brothers and sisters have. I remember it upset the member from Hansard a great deal during that time that the strike was even taking place, and the reason it took place and the reason it went on so long was that it was impossible for a local electorate to find a trustee who would take responsibility for what was happening.

I see the member from Scarborough over here, who probably knows what I am talking about.

I went to talk to a local trustee in my area and she said to me—and I will not name her—

**Hon Mr Conway:** Which strike?

**Mr R. F. Johnston:** This is the preparation-time strike in the elementary panel just a year or two years ago now.

I went to her and I said: "Whom do we talk to about this? Where do we put our pressure on? Whom do we phone?" She said: "Not me. I am not on the Metro board, I am just elected to the Scarborough board." I said: "Who is at the Metro board? Who is one of our representatives there?" So I phoned the Scarborough person who happened to be a representative on the Metro board and she said, "That is a good point you are making, but I am not on the committee that is doing the negotiating and I do not know what they are doing."

So the local electorate had no control at all. There was no direct line between the money being spent and the person who was elected,

because we had these indirectly elected people at Metro—not just indirectly elected people at Metro, but appointed to a committee—who were not even responsible to the indirectly elected group at Metro let alone the trustees from the local boards.

I say to the minister, before he moves to regionalized pooling on a province-wide basis, if that is the natural progression of trying to get some equity here, because I do not think what he has done at this point, obviously, addresses it, he should be very careful, because the accountability is going to get even more confusing than it is at the moment.

That in my view is not the way to go. There are better means of bringing equity in. One of the ways I think we can do it is by this redefining of the expectations in the provincial government. I think that is one of the important things the government should be addressing itself to at this point.

I would say to the minister that the place to start to look is at the ceilings at the moment. We have been involved—and I say "we" in the large sense; anybody who has been involved in education politics in this last little while—in playing political football with ceilings and with the notion of the 60 per cent figure.

There is a plot afoot is all I can say. I have no idea why this was provided to me in the context of what I have just been saying, but this is clearly going to be a much longer speech than I had ever imagined it would be. Some of the thoughts of Mr Gorbachev have been passed on to me here by the member for Yorkview (Mr Polsinelli). I do not know if this means, in point of fact, that it is time for perestroika within the Liberal ranks on these kinds of issues or whether the whole term of glasnost is here. It could just be a matter of trying to get me off my train of thought again, which as we have all indicated at this point is something that is too easily done.

Do you remember where I was, Mr Speaker? You have no idea. What a helpful fellow you are. I think I do. I think, generally speaking, I remember that I was going to be—my goodness, where was I going?

**Hon Mr Conway:** You were talking about the need for better equity in the provincial share of things.

**Mr R. F. Johnston:** Rather than moving necessarily down the pooling road, I wanted to talk to ceilings, that is what I was doing, and the whole games we got into around that.

The reality is—and I do not know how many members know this—that almost every board in



the province of Ontario is over ceiling at the moment, is spending more than the government says is the appropriate amount to basically educate a child.

Interjection.

**Mr R. F. Johnston:** Over 90 per cent, the member for Stormont, Dundas and Glengarry (Mr Villeneuve) reminds me, as we kept hearing in the committee time and time again. As a result of that, you cannot say that all these boards are just spending frivolously and are not accountable and that kind of thing.

There is something gone wrong in terms of what the expectation by this government, not specifically this Liberal government, but this level of government is in terms of the basic requirements for education and that which the locally elected people are thinking is required for education. I think that is the starting point, because I think if the Ministry of Education was to make the kinds of adjustments in the ceilings which I believe are necessary, it would help raise the amount of money that would be spent per student equally across the province of Ontario.

A place like Metropolitan Toronto, for instance—I am not sure if I have the stats right in front of me or not. Yes, I do. Metropolitan Toronto at the moment, the city of Toronto, for instance, is spending \$5,725, a little bit more than that probably on the graph, for the cost per student at this point, as compared with, let's say, \$3,700, \$3,800 in a place like Lincoln which is just at the level of where the ceiling is established.

If the minister were to raise the ceiling substantially, clearly, he would not affect the city of Toronto, which would still be way above that ceiling, but he would bring the average boards, both Catholic and public, in the lower assessment areas around the province of Ontario to levels which would be much more acceptable.

It seems to me that that equalizing role is the provincial role. It is not something which should be done on a local commercial-industrial kind of base and whether the dollars come, as they have done in British Columbia in part from deciding to have a tax which brings in commercial and industrial assessment to the provincial level and then it is put back out in that basic per student grant, or whether it is done as it is done in Quebec or British Columbia or some of the other provinces, I leave the formula to be looked at by the government. But surely it would be more equitable and a better way of looking at the whole question of bringing equity to the system than we

have at the moment and does not endanger such concepts as accountability at the local board.

The other thing that it does is it does the following, and I say this to the minister: If we could get an agreement established in the next period of time between the players in the system around the actual ceilings, the actual costs that we would expect for education in 1990, if we could get that established, then the minister could have a rational means of deciding how it should rise in the future, getting back to his controlling the spending concerns that are rightfully put out. Because at the moment those kinds of controls are limited and they are left at the whim of the provincial government to decide, essentially at this point.

Surely it would be better to say we will establish those levels now, come to some hard negotiated agreement on what they should be and then bring in cost of living or some factor of that ilk in order to control the cost of education, the basic cost of education for the future.

I recommend that to the minister as an approach, rather than pursuing further this particular notion of playing with the industrial-commercial assessments. Even though there is a large amount of money out there, I am not sure it is the easiest way to do the equalizing at this stage.

I have dealt with a number of the concerns that I have and I think if I am very good about concluding just once, in comparison with other speakers, I might even be able to sum up a couple of things. I would be remiss if I did not do so. The first is to reiterate the problem for the public school boards. I think they need a statement which says that there is no net loss going to be felt by any public board during the six-year period. Forget the \$180 million figure, forget the figure of \$200 million or \$210 million or even that for the \$240 million cost which I have had brought before me and other members of the committee in the last little while.

I ask the minister to look at the Windsor public board's presentation to us as a committee in Windsor and I say to him that their concerns about a net loss of almost \$2 million is something that really needs to be looked at and a guarantee needs to be given. I think it can be given orally or it can be given as an amendment to the legislation. It is not something which is unheard of in our history here and that kind of commitment would be important to the public school system at this stage.

The Catholics are going to want two things, it seems to me. The system is going to want this

telescoping of the period down to three years. We have heard this fairly consistently across the province during our hearings and that is a matter which the government will have to make some decision about in terms of the extra financial costs which are involved. The other thing they are probably going to want is some means of identifying who their new industrial-commercial electorate is and that is again something which I do not feel that strongly about.

Finally, Mr Speaker, not to conclude but to

end, I would say that the party is reluctantly supporting this legislation, but wants to make it very clear that we do not want to go further down this route without a major examination of some of the precepts for accountability and equity, which are absolutely crucial within the financing of our education system.

On motion by Mr R. F. Johnston, the debate was adjourned.

The House adjourned at 1801.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### HOME CARE

**93. Mr Eves:** Would the Minister of Health table the number of clients served through the home care program, both through the integrated homemakers program and the acute and chronic home care programs, by fiscal year, since 1 April 1985? [Tabled 4 May 1989]

See sessional paper 197.

### HOSPITAL BEDS

**260. Mr Eves:** Would the Minister of Health indicate whether the government's commitment to fund approximately 4,400 additional hospital beds, as announced on 14 May 1986, will be kept given the recommendation of the Premier's Council on Health Strategy that the government shall review whether or not it should go ahead with the beds as promised? [Tabled 10 July 1989]

**Hon Mrs Caplan:** The Ministry of Health is currently reviewing all capital projects including the additional hospital beds announced on 14 May 1986 and the capital planning process. As part of this review, consideration will be given to the recommendations of the Premier's Council on Health Strategy.

### FAMILY BENEFITS

**315. Mr Allen:** Would the Minister of Community and Social Services provide the following information: (1) the number of contract staff, excluding management, in family benefits offices in Ontario; (2) the number of complement staff, excluding management, in family benefits offices in Ontario; (3) the number of contract staff, excluding management, in family benefits offices in Metro Toronto; (4) the number of complement staff, excluding management, in family benefits offices in Metro Toronto; (5) the average length of stay of contract personnel in family benefits offices in Ontario; (6) the average length of stay of contract personnel in family benefits offices in Metro Toronto; (7) the number of social assistance recipients in Ontario who are having benefit deductions made under regulation 8 of the Family Benefits Act, and (8) the total amount of deductions from family benefits under regulation 8 of the Family Benefits Act? [Tabled 17 October 1989]

**Hon Mr Beer:** 1. There are 121 full-time and 10 part-time contract staff, excluding management, in family benefits offices in Ontario.

2. There are 912 full-time and 21 regular part-time complement staff, excluding management, in family benefit offices in Ontario.

3. There are 65 full-time and one part-time contract staff, excluding management, in family benefits offices in Metro Toronto.

4. There are 199 full-time complement staff, excluding management, in family benefits offices in Metro Toronto.

5. The average contract is negotiated for approximately three to six months, with some contracts negotiated for 12 months. In some cases, contracts are renewed.

6. As indicated in 5, the average contract is negotiated for approximately three to six months, with some contracts negotiated for 12 months. In some cases, contracts are renewed.

7. There are 1,862 social assistance recipients in Ontario who are having benefit deductions made under regulation 8 of the Family Benefits Act.

8. The total amount of deductions from family benefits under regulation 8 of the Family Benefits Act totals \$121,098.89 monthly.

### INTERIM ANSWER

**264 and 268. Mrs Marland-Hon Mr Bradley:** Additional time is required to compile this information. A final response will be provided on or around 15 December 1989.

### RESPONSE TO PETITION

#### NATUROPATHY

Sessional paper P-1, re naturopathy.

**Hon Mrs Caplan:** The final recommendations of the health professions legislation review were tabled in the Legislature on 26 January 1989. In its final recommendations, the review continued to recommend that the profession of naturopathy not be statutorily self-governing. Naturopaths would remain able to practise without specific legislation, but the profession has indicated that the type of practice would be altered.

The Ministry of Health has circulated the HPLR's final recommendations to professional governing bodies and other interested parties and is itself assessing the recommendations and their implications. I have met with those groups most affected by the review and its recommendations, and ministry staff will continue to gather information prior to introducing legislation. To

date more than 50 groups have met with me, and I have heard their major concerns. The Board of Directors of Drugless Therapy-Naturopathy and the Ontario Naturopathic Association met with me on 14 July 1989. They were assured that their

views and concerns would be taken into account during the process of implementing HPLR proposals.

Ministry staff are maintaining discussions with naturopathic interest organizations.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

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- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
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Nicholas, Cindy (Scarborough Centre L)

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**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

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Reville, David (Riverdale NDP)

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Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

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Smith, E. Joan (London South L)

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South, Larry (Frontenac-Addington L)

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**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

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**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 66

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Wednesday 8 November 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 8 November 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### ASSISTANCE TO FARMERS

**Mr Wildman:** The Ontario Federation of Agriculture, in its annual presentation to the government entitled *Planting a Healthy Future*, stated the following: "Financial health underpins it all. The prime interest rate is stubbornly steady at 13.5 per cent. Anticipating the inflationary impact of the goods and services tax, we project interest rates will trend higher in the medium term."

The most damaging condition of the 1980s for Ontario farmers has been the disastrous effect of high interest rates. With the end of the Ontario family farm interest rate reduction program, Ontario farmers are left with virtually no interest rate assistance at a time when realized net farm incomes are forecast to fall below last year's levels and interest rates are probably going to rise.

With outstanding short-term debt at close to \$900 million for Ontario farmers, each one per cent increase in interest rates results in an additional \$9 million in debt carrying costs. The situation is just about as serious as the disastrous conditions of the early 1980s.

Unlike Ontario, Alberta, Saskatchewan and Quebec all have provincial farm credit agencies to provide assistance to farmers. This province must develop short- and long-term programs to help farmers deal with interest rates. Otherwise the Liberal government will be demonstrating that it has no real commitment to agriculture in this province.

### WETLANDS MANAGEMENT

**Mr Pollock:** The Liberal draft policy statement on wetlands planning will only protect class 1 and class 2 wetlands which are of provincial significance. This policy does not take into account regionally and locally significant wetlands which are a vital habitat for rare plant and animal species. This leaves 60 per cent of Ontario's wetlands unprotected.

Wetlands are lands that are seasonally or permanently covered with shallow water, as well as lands where the water table is close to or at the surface. The presence of abundant water has caused the formation of water-clogged soil and has resulted in the development of water-tolerant vegetation. The four major categories of wetlands are swamps, marshes, bogs and fens.

Under section 3 of the Planning Act, municipalities must merely "have regard" to policy statements. The wetlands policy will be one of 10 such statements made under the Planning Act and none is given priority.

Of interest to the minister, the policy states that northern Ontario wetlands will be evaluated on a case-by-case basis as there is no formal evaluation system in place yet. This could lead to arbitrary decision-making, further jeopardizing northern wetlands. The government has been asked to revise the wetlands policy statement to correct these flaws.

### HYDRO BILLS

**Mr Chiarelli:** In today's era of increased consumer awareness, governments and consumer advocates have expressed their concerns about credit and collection practices.

Using current Ontario Hydro guidelines, Ontario's hydroelectric commissions charge a late payment fee of five per cent of the current portion of the bill. This is not an interest rate. If inadvertently or otherwise a hydro consumer is not able to pay his or her bill on time, this five per cent late payment fee effectively creates a 92.5 per cent annual rate of interest for a bill paid 31 days after the date of the bill, a 60 per cent annual rate of interest for a bill paid 46 days after the date of the bill and a 30 per cent annual rate of interest for a bill paid 76 days after the date of the bill.

By today's standards, these rates are unacceptable and unconscionable. Consumers of hydro must be told the effective rate of interest and the rate must be reasonable. I strongly feel that our government should call Hydro to task on this issue.

I therefore urge the Minister of Energy (Mrs McLeod) and the Minister of Consumer and Commercial Relations (Mr Sorbara) to investigate the possibility of imposing more acceptable



collection practices on Ontario hydro commissions. The consumers of Ontario deserve no less.

### REMEMBRANCE DAY

**Mr Hampton:** For the first time in this province's history, Ontario liquor stores will open their doors on Remembrance Day. Since 11 November this year falls on a Saturday, the government has decided it is not in the interest of its pocketbook to close local liquor stores.

The message this decision sends is clear. The government is showing callous disrespect for the sacrifice and sufferings that thousands of Canadians endured in two world wars. From 1914 to 1918, 60,000 of our forefathers died in a battle for freedom. During the Second World War, over one million Canadians served and almost 42,000 of them gave their lives.

These were not wars of glory. They were wars where thousands of ordinary people made the ultimate sacrifice. For 44 years now, two generations have lived in peace and freedom because of them. We have remembered them until now, in that on 11 November we pause and liquor stores have remained closed.

Symbolic as it may be that liquor stores have historically remained closed on Remembrance Day as a sign of respect, it is important. I urge the government to look carefully at the statement it is making by allowing liquor stores to remain open this Remembrance Day.

### INTERNATIONAL TRADE

**Mr Sterling:** We have been watching with intense fascination the series of events unfolding in eastern Europe in recent months. Hungary, Poland, East Germany and other east European countries have been and are continuing to experience upheaval with respect to their political philosophies. In Hungary, we have witnessed the most dramatic changes. They have abolished the Communist Party and created an open, democratic process of government.

As Canadians, and particularly as Ontarians, we have a strong appreciation for our many multicultural groups. In Canada, we have over 100,000 people of Hungarian origin. We should continue our commitment to multiculturalism by extending beyond our borders and helping this newly created democracy integrate into the free market system.

In doing so, Ontario would be opening a whole new avenue of trade in eastern Europe. Ontario has always been on the cutting edge of new global developments and now is the time to help

their transition by enhancing trade opportunities for ourselves as well as for the Hungarians.

Hungary is now open for business and Ontario should be the first off the mark to establish a trade office in Budapest and build on the entrepreneurial spirit, which is bound to flourish in this newly created democracy. Ontario would be wise to undertake this effort instead of focusing on promotional activities in demonstrating its intent to initiate and intensify trade opportunities.

### FAMILY VIOLENCE

**Ms Poole:** Wife assault is not a pleasant subject. It is something we would quite often prefer to ignore and deny, but it does exist and with frightening frequency. One in eight women in this province is assaulted by her husband or live-in partner. Equally horrifying is the recent report that 62 per cent of all women murdered in Canada die as a result of domestic violence.

Being a woman and being part of a relationship or family should not take away from anyone's right to safety. In addition to the emotional and physical damage it causes, wife assault violates a fundamental human right. Wife assault does not just hurt women; it hurts children, it hurts the abusers themselves and it inevitably damages the whole fabric of our society.

Our government is committed to stopping this cycle. Once again, November has been declared Wife Assault Prevention Month. Wife assault has to be acknowledged. It has to be talked about. It has to be stopped. Each one of us has a responsibility to do what we can to stop this vicious cycle. I urge my colleagues to spread the word: Wife assault is a crime.

1340

### PASSENGER RAIL SERVICES

**Mr Philip:** The people of Etobicoke were quite pleased when in 1985 the Mimico rail maintenance centre was opened. This cost the taxpayers about \$100 million but it created just under 700 positions.

In the aftermath of the 4 October announcement of Via Rail cuts, concern has heightened regarding the employment impacts on the Mimico maintenance facility, which is the most labour-intensive Via installation in Ontario. Since Via Rail passenger service in Ontario is planned to be curtailed by 50 per cent, one might assume that one half of the employment of the Mimico maintenance centre might be affected. This would mean an estimated annual payroll loss of between \$13.5 million and \$15.1 million,

and a loss of 340 jobs, which would be quite a blow to our community.

The regional municipality of Peel planning department has estimated that if Via service in southern Ontario were terminated, 60 to 70 additional flights would be required daily at our already overly congested Pearson International Airport, and long-distance traffic on Highway 401 would be increased by five to 10 per cent. With the possibility of Via services being cut by half, one can safely assume the impact on our airport and highways would be at least half of what the Peel planning department suggested.

There has been some speculation that Via cuts could spur the further expansion and extension of GO Transit's commuter rail services. A matter for consideration might be to examine the partial use or purchase of the Via Rail maintenance centre by GO Transit for the maintenance of its expanding fleet of locomotives and coaches.

Initiatives of this nature should be acted on by the Minister of Transportation (Mr Wrye).

#### ROYAL WINTER FAIR

**Mr Wiseman:** It gives me great pleasure to rise in the House today to comment on the opening of the 61st Royal Winter Fair. The Royal Winter Fair has long been a Canadian tradition, a time when the country comes to the city and shows off the depth and diversity of a rich farming heritage.

Over the years, the fair has grown from an agricultural display to a cultural festival celebrating rural Ontario. While state-of-the-art farm machinery and livestock are still exhibited, square dancing, country music and step dancing have become part of the fair. Fall fairs have been popular in Ontario since 1792 and it is my hope that they will continue to educate the people of Ontario for years to come.

I fear, however, that if the Ministry of Agriculture and Food continues to forget its obligations to provide programs and direction to the entire agrifood sector, our great tradition may be in jeopardy.

#### TRANSPORTATION SAFETY

**Mr Mahoney:** I would like to bring to the attention of this Legislature a transportation safety exhibition that will be held on 10, 11 and 12 November at the Mississauga Civic Centre. It is interesting to note that 10 November also marks the 10th anniversary of the great Mississauga train derailment and the evacuation of our city.

The title of this exhibition is Transportation Safety: A Shared Responsibility and will include representatives from the city of Mississauga, CP Rail, CN, the Railway Association of Canada, the Canadian Chemical Producers' Association, Transport Canada, Operation Lifesaver and the Ontario Trucking Association. The goal is to increase public awareness of the importance of transportation safety in the transport of dangerous goods as well as educating our young people in the area of safety.

There will be many demonstrations, including emergency response vehicles and equipment, a computer program that displays more than 3,000 dangerous chemicals, a train dynamics analyser from CP Rail and Operation Lifesaver videos, as well as many other safety-oriented videos.

It is vitally important when we are competing in a global economy that both residents and industries work together to ensure the safest methods of transportation for all materials is being fully utilized. It is only through a shared responsibility that our communities will continue to safely grow and prosper.

**Mr Pollock:** Mr Speaker, perhaps it would be in order to wish the member for Oxford (Mr Tatham) happy birthday?

#### STATEMENT BY THE MINISTRY

##### CORPS D'ÉLITE ONTARIO

**Hon Mr Black:** It is with distinct pleasure that I announce today the six recipients of the 1989 Corps d'élite awards.

These people are being honoured today for their outstanding contribution as recreation volunteers in Ontario. Recreation is gaining importance in our changing society. More and more Ontarians recognize that meaningful leisure activities foster healthy, productive lifestyles. They also realize that the quality of our lives has been enriched by the contributions of volunteers.

Since its inception, the Corps d'élite program has honoured 21 people at the provincial level, including those here today, for enhancing recreational opportunities across Ontario. Furthermore, we have recognized about 100 people for contributions to various regions of the province.

The six new members of the provincial Corps d'élite Ontario are in the member's gallery today and I would like to introduce them. They are Charles O. Bick of Willowdale, Virginia A. Bidwell of Markham, Laurie G. Branch of Burlington, Harold Coulson of New Market, J. Thomas Riley of Etobicoke and Edward (Ted) Wood of Clearwater.



The Ministry of Tourism and Recreation is committed to developing Ontario's vital base of recreation volunteers. Every year thousands of Ontarians donate countless hours of their time and energy to recreation in this province. Many recreation organizations would cease to exist without the help of volunteers who give without any expectation of recognition.

The volunteers we are honouring today have given so much because they are deeply dedicated to improving the quality of life in Ontario. I am sure I speak for every member of this assembly in extending our sincere congratulations and thanks to the recipients of the 1989 Corps d'élite Ontario awards as well as to the thousands of other recreation volunteers in this province.

## RESPONSES

### CORPS D'ÉLITE ONTARIO

**Mrs Grier:** On behalf of the official opposition, I too would like to join in congratulating the winners of the awards today. It is a very significant event that we should have this many winners and have them announced on this occasion, and I do congratulate them one and all. I know how much we depend in this province on volunteers in all sectors of life, in all corners of the province and in all walks of life.

As a municipal politician, I had the honour of working for many years with J. Thomas Riley, one of the winners who is with us today. I know that through his leadership in our municipality, volunteers play not only a very meaningful role, but also a role that has been recognized and incorporated into the fabric of the governing bodies of that municipality as well.

I am sure the same is true of all of the other winners and I wish them well in the years ahead.

**Mr Jackson:** I too wish to indicate our appreciation for the minister's announcement in the House today, for his recognition of these outstanding individuals and for the commitment that the volunteer sector, the municipal sector and the private sector have made to enhancing recreational opportunities for our province and its citizens.

I would also like to state, on a more personal note, that one of the worthy recipients is a constituent of mine. I guess it is fair to say that he has had a dramatic effect on the life of the citizens of the city of Burlington, and in particular on a young family such as ours. We have benefited immensely from the vision and dedication of Laurie Branch. I do not wish to speak at length about his résumé, but I do wish to indicate that his commitment as the president of the Canadian

Parks/Recreation Association has brought much distinction to Ontario. He is the founding president of the Ontario Recreation Society, and he has assisted thousands of young people to develop life skills which have put them in good stead throughout this province.

### 1350

It was through recreational programs that were inspired by Laurie Branch that football players like Tony Gabriel emerged. He is just one example. We have world-class swimmers who have come from our community, all because of the commitment and dedication of people like Laurie Branch. And, of course, I should mention the Burlington Teen Tour Band, which is internationally famous, was part of the vision and commitment of this individual. As Mr Branch receives his award today, with deep appreciation, I know he expresses on behalf of our community the ongoing support for, and the need for, assistance with their budget in order to make their Pacific tour a reality. We wish him continued success with his fund-raising goal of \$670,000 in order to make that a reality for the children of Burlington who will represent this province and this country on the global theatre.

**Mr Cousins:** We can all celebrate the success of the volunteers who have been recognized so highly today. I was at the function, and I would like to compliment, not only them for the grace they showed and the leadership they have given but also the government and the Lieutenant Governor for the marvellous way in which they have recognized them.

Quite frankly, we need more people like those who have been so recognized by the province today. I know we could use more Virginia Bidwells in Markham. That fact is, she has just been an outstanding Girl Guides of Canada leader. I just hope that you train many more, Virginia, who come along and follow in your footsteps, because our young people need leaders like you. May you continue to be inspired to give as freely of yourself and may your family continue to be as supportive and good. How proud you must be. How proud we are of you.

**Mr Brandt:** On behalf of my party, I want to express to all of the recipients of the Corps d'élite Ontario award that we are extremely proud of your accomplishments. We are extremely proud of your contribution to the province of Ontario, and we are delighted that you could be with us today to receive the award officially from the Minister of Tourism and Recreation (Mr Black), as well as the awards that were presented by the Lieutenant Governor of the province of Ontario.

You join, in all, 21 recipients of this award since its inception four years ago. The award was quite properly introduced by the province of Ontario, and I compliment the government on so doing, because there is no stronger force in our society and no more vital or critical effort that can be put forward by any group than by our volunteers, who are so vitally needed right across this province and in every community that is represented.

I would be remiss if I did not say, on a personal note, my congratulations to a personal friend and someone whom I have worked with for more years than I want to recall on this auspicious occasion. Ted Wood, who not only continues to be an employee of the city of Sarnia but is someone who not only has contributed to our own community and to the county outside of Sarnia but as well has contributed on a province-wide basis through his work with the recreation association.

Without the vital contribution of all of the recipients today, our province would not be the kind of wonderful place it is for the citizens of Ontario. I know that on this occasion, and there are few occasions when I have this opportunity, I speak for all 130 members of the Legislative Assembly when I say to each and every one of you a very sincere, heartfelt "Thank you."

#### VISITOR

**Hon R. F. Nixon:** On a point of order, Mr Speaker: I thought perhaps you and the members would like to have it recalled that among our honoured guests this afternoon, identified as Charles O. Bick, is C. O. Bick, as we used to know him, who was a long-time magistrate and for 21 years was chairman of the police commission of the province. So, long before he became a volunteer, he was also working.

#### ORAL QUESTIONS

**Mrs Grier:** My question is for the Minister of the Environment (Mr Bradley). I understand he is expected and I would like to have permission to stand down my question until he comes.

**The Speaker:** Would there be unanimous consent?

Agreed to.

#### AUTOMOBILE INSURANCE

**Mr Kormos:** My question is for the Minister of Financial Institutions. I want to draw his attention to matters that were indeed drawn to his attention back on 18 July 1989 by the member for

Nickel Belt (Mr Laughren) right here in this Legislature.

The minister was told about how Canadian Commerce Insurance Co, an automobile insurer, would cancel the policy of one of its customers and then immediately reinsure that customer through Cornhill Insurance Co Ltd at rates that were some 30 per cent higher, thus avoiding and evading the so-called cap that the government says it put on insurance premiums. That was put to the minister back in July—a 30 per cent increase, an effective circumvention of the government's so-called cap.

I wonder what the minister has done about that since then.

**Hon Mr Elston:** The honourable gentleman will know that the cap which he has indicated applies in most cases where the business is carrying on, obviously, under the company's auspices. In this case, the company has ceased to carry on business in writing insurance in the province, but in fact a substitute carrier has been found.

We are not in the business of forcing people to write business or to carry on business in any particular manner. The honourable gentleman will know that once somebody makes a decision to withdraw from the marketplace, we cannot force him to carry on.

The interesting concern expressed is in fact one of how much the premiums were. We have tried in the best way possible to ensure that people have not been left without coverage, but in cases where people withdraw from the market, we have no alternative but to seek the best possible price left in the marketplace.

**Mr Kormos:** Back in July, the minister was made aware that the new company, Cornhill, interestingly had the same address, the same signing officers as the old company, Canadian Commerce Insurance. He left the distinct impression with the member for Nickel Belt that he was going to look into it.

Why this is of some interest today is that a lady called Anna Cerullo from Mimico was insured, she tells us, for a good chunk of time by Scottish and York Insurance Co Ltd. She was told that after 29 October her insurance, for which she had been paying premiums of \$269 every six months—she was told that as of 26 October Scottish and York would not be renewing her insurance. But her insurance service obligingly, with the assistance of Scottish and York, found her coverage with Victoria Insurance Co for \$625 for six months—same secretary, same president, same address.



The same happened to Wayne Hartling—

**The Speaker:** Order. Would you place your supplementary.

**Mr Kormos:** Thousands of Scottish and York customers—

**The Speaker:** Order. Will you place your supplementary.

**Mr Kormos:** What is the minister going to do about the thousands of Scottish and York customers who are being forced to pay premium increases well in excess of 7.6 per cent, more like 30, 40, 50, 60 and 90 per cent? There are thousands of them in the province. What is he going to do about that?

**Hon Mr Elston:** The honourable gentleman, as is his way, forcefully delivers a grand theatrical presentation here in the House. I can tell the honourable gentleman that while we take this very seriously indeed, in spite—

**Mr Pouliot:** What about the people who are paying?

**Mr Laughren:** You don't even answer your letters.

**The Speaker:** Order.

**Hon Mr Elston:** We take this very seriously, and as I told the gentleman before, if he would make the information available, we will look into what is happening, what are the circumstances behind each case and otherwise.

I can tell the honourable gentleman that I am not particularly happy with the way those sorts of decisions are made, and under the auspices of the new bill, if members would allow us to move quickly forward to implement it, the new insurance commissioner will be able to take action with respect to that type of activity and invoke very tough measures against companies that unfairly make those sorts of decisions internally.

1400

**Mr D. S. Cooke:** This is your third time. Three strikes and you're out.

**Hon Mr Elston:** I can tell the honourable gentlemen that although they do not want to listen, the new legislation will deliver to us, as a government, an ability to intervene to assist people who are unfairly treated with respect to rates. That is clear. The bill is in the House and I want to deal with it quickly so that those sorts of problems can be eliminated.

**Mr Kormos:** The minister and the government once again are seriously misinformed. A careful reading of that new bill reveals that there is no protection for drivers like the ones I just

spoke of. Indeed, the only thing that new bill guarantees are incredible profits for insurance companies because it denies benefits to over 95 per cent of all innocent injured accident victims here in the province.

The real question is, why will this minister not tell us today that indeed there are going to be committee hearings in Toronto and across the province so that people across Ontario who have never had an opportunity to address this new legislation can tell the minister what they think of his bill in polite, and probably some not-so-polite, terms.

**Hon Mr Elston:** Let me tell the honourable gentleman that when he says we are not telling the people the full story, he is wrong. We are telling the full story. This bill, as it is in front of the House now, will provide better coverage for the people of the province, increase no-fault benefits, increase accident rehabilitation benefits, increase long-term care and provide quicker delivery of those services. In addition to that, while these people make those silly accusations, the people will be able to go to the commissioner and he or she will be able to intervene with tough new regulatory abilities to make sure that people are not unfairly treated by their insurance companies. That is quite clear by the way the legislation is structured. That is quite the way it is going to occur.

Interjections.

**The Speaker:** Order.

**Hon Mr Elston:** There is one other thing. This Legislative Assembly has a committee structure that will review the legislation, and I will be pleased to take a look at the input that is given to us in front of the legislative committee. I will listen to the people who come before it and I can tell the member there will be legislative committee hearings on this particular bill, as I have said from the beginning.

Interjections.

**The Speaker:** Perhaps some of the members would care to read the new standing orders and look at standing order 20(b).

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Brandt:** My question is for the Minister of Colleges and Universities. I want to remind the minister that on two other occasions I have raised with him my concerns about the college strike and the impact that strike is having on the students of Ontario. I would like to ask the minister, in view of the fact that this strike is now

three weeks old and the students are, of course, vitally concerned, critically concerned, about the impact this is having on their school year, how much longer is the minister prepared to wait before he becomes personally involved in settling this particular issue?

**Hon Mr Conway:** Let me say at the outset that I do appreciate the concern of my friend the member for Sarnia and the concern of all members of the assembly, which concern has been conveyed to me on many occasions throughout the course of this particular dispute. As the honourable member for Sarnia knows, there is a free collective bargaining process that is in place to resolve these kinds of disputes. I am a strong believer in the collective bargaining process. I do not wish to distract attention from that process, which has resolved much more than it has left unresolved.

I certainly appreciate the frustration of the students. Like them, I want this strike settled. I want it settled soon and I am confident that the mediation talks which are ongoing will bring about the kind of settlement that is going to be in the interests of these students in both the short and long terms.

**Mr Brandt:** Let me say that my party supports the collective bargaining process as well. What we do not support is the threat of the students losing their school year. I am receiving calls daily from students, teachers and parents who are asking one simple question. Recognizing that the Ministry of Education, through the Ministry of Colleges and Universities, is in fact the third party at the table, whether the minister wants to be there, physically present, or not, the reality is that it is part of the negotiating process. The minister is part of the solution if he wants to be. Why does the minister not stand up and tell the people of this province that he is prepared to take an active role and get the students back in the classroom where they deserve to be?

**Hon Mr Conway:** The honourable member for Sarnia raises the issue of the students' jeopardy. As my honourable friend the member for Sarnia will know, under the Colleges Collective Bargaining Act there is an organization called the College Relations Commission which has the statutory obligation to monitor these disputes. It is their responsibility under the act to ascertain whether or not students are in jeopardy as a result of a withdrawal of services which is contemplated under the free collective bargaining process. At this point, the College Relations Commission has not advised me of a finding of jeopardy.

**Mr Brandt:** I would advise the College Relations Commission, through the minister, that George Brown College is receiving on average of 100 calls per day from students who are indicating that they are very close to quitting as a direct result of not being able to get back into the classrooms. I urge the minister on behalf of the people of this province, and more particularly, over 100,000 college students whose school year is in jeopardy, to please sit down with the two sides, try to get these negotiations back on track again and end the dispute.

**Hon Mr Conway:** To my friend the member for Sarnia, I can indicate that I intend momentarily to address, with other members of this assembly, a group of instructors. I will at that time urge upon them what I have urged upon the other party to this dispute, and that is that it is their responsibility as the parties to the dispute under the free collective bargaining process, and in the interests of these students, to take advantage of the mediator and the talks that are currently under way to resolve this.

I am not a party to the dispute nor do I intend to become a party to the dispute. I want to say that it is important to keep the pressure where the pressure belongs, and it belongs on the two parties, the Ontario Public Service Employees Union and the Council of Regents. They have it within their power and in the interests of the students of the college system to do what ought to be done, to negotiate a settlement and to negotiate it soon.

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mrs Marland:** My question is to the Minister of Citizenship. This morning the standing committee on government agencies met. The Liberal members of that committee voted down a motion to hear from a former employee of the Ontario Human Rights Commission, although that employee had made that request. Can the minister tell us if he agrees with the Liberal members' refusing to hear from any of the former staff of the Ontario Human Rights Commission, and what it is that his government is afraid of?

**Hon Mr Wong:** What I do believe is that there was an internal review done. There was also an external one done by Coopers and Lybrand. Both of these reports were tabled in front of the standing committee, and the participants who were involved in creating and writing these reports also appeared before the committee. I believe that all members of the committee, regardless of what party they came from, made the judgements. That is an independent commit-



tee that has a responsibility of making the appropriate decision.

**Mrs Marland:** Every committee is independent and every committee has all party members on it to make decisions. My question continues to this minister. Yes, there has been an internal review. The authors of the internal review report were before the committee. We now have evidence that some of the answers of the authors of that report may not be totally factual. I am asking the minister, what is it that he is afraid of by having the other side of this issue heard?

1410

**Hon Mr Wong:** Quite to the contrary, it is not a matter of being afraid; it is a matter of having courage in the democratic system.

Also, the honourable member is suggesting that some of the information may have been incorrect. At the same time, I understand that the same committee reviewed information, as many of these committees do, that shows contradictory or opposing pieces of information. Again, I must say, for the responsibility of those members who were working diligently and responsibly to arrive at the appropriate decision on what to do, I believe they did make the appropriate decision, analysing all the facts that were before them.

**Mrs Marland:** This is a dark day for human rights in Ontario. I want to tell this minister that if he truly believes in the democratic system, he will support a former employee of the Ontario Human Rights Commission at least being heard. Will it not be ironical if that former staff person at the human rights commission goes back to that very commission to plead his own human rights and being able to represent his own issue in front of an all-party public hearing?

**Hon Mr Wong:** Let me say that the commission is designed by the government to protect the human rights of Ontarians. It is designed to be strong and independent. The employee has the usual right, as a public servant, to go to the human rights commission or through the court process. We have many mechanisms in our society so that the individual's rights are protected.

Once again, I do believe that the committee was asked to look at the situation but also at the future: how the human rights commission could be made stronger, how it could begin to address the issues of systemic discrimination and reducing that and how it could look into the issues of public education. That is what the committee should have been doing.

## RENOVATIONS TO APARTMENT BUILDINGS

**Mr D. S. Cooke:** I have a question for the Minister of Housing. Over the last few weeks, we have raised many cases with the minister about rent increases as a result of unnecessary renovations. Today I would like to bring to his attention another example, 1065 Eglinton Avenue West and Joyce Hall, a former tenant of that building who had to leave because she could not afford the new rent. Those tenants are facing increases of 111 per cent to 195 per cent in their rents.

The tenants of that building and other tenants across this province want to know from the minister not what he cannot do to resolve this problem but what he can do to resolve this problem and when he is going to do it so that landlords can no longer undertake unnecessary renovations simply to raise base rents.

**Hon Mr Sweeney:** I do not believe I had indicated to my honourable colleague earlier that we are looking only at what we cannot do. What I clearly remember indicating to him was some of the difficulties we are facing in finding a solution. We are quite prepared to attempt to find a solution to this.

What we are concerned about, though—and let's be sure we do understand it—is the distinction between necessary and unnecessary. In this particular case, the judge ruled that those particular renovations, in his judgement, were unnecessary. However, similar renovations in other places have been defined as necessary even by the tenants themselves.

The second question we are looking at is, what mechanism should we use to make that? Should it be under the Landlord and Tenant Act? Should it be under rent review? Should we use the standards board? We are looking at that right now.

The staff in my ministry are clearly looking for a way to deal with the situation. We want to be sure, however, that we do not go too far the other way and buildings do not receive, or do not have carried out, necessary renovations.

**Mr D. S. Cooke:** An additional twist in this particular building is that the landlord was charged in August and September 1989 by the Ministry of Housing under the Rental Housing Protection Act for carrying out renovations that should have required the building to be vacant and therefore approval by the local council.

What is going to result in this building is that the court hearing will not be heard until some time next year; yet even though he could be

convicted under the minister's own legislation, the tenants are still going to be stuck with this rent increase because the renovations are almost complete.

If the minister is not prepared to deal with the big picture of capital renovations in all of the units, is he at least prepared to make amendments now so that if a landlord is charged under his Rental Housing Protection Act, those renovation costs cannot be passed through and the tenants held responsible for them financially?

**Hon Mr Sweeney:** What my honourable colleague is proposing certainly has some merit to it, and I would be quite prepared to discuss that with my staff and our rent review officers. As I understand the position he has taken, if a landlord has acted illegally—I guess that is the only way to put it—can he still get the rent increase. It would seem to me that we should be able to do something about it, and I will certainly take a look at what he is proposing.

#### DRUG ABUSE

**Mr Runciman:** My question is to the Minister of Housing as well. Earlier this week, in a CITY-TV broadcast, it was revealed that there are 35 crack houses in 23 of the 25 Ontario Housing Corp complexes run by the provincial government. Apparently, when the Minister of Housing was presented with this information, he said, "It's not that big in total numbers." In other words, it was not a big deal in his mind.

I am just wondering if the minister, now that he has had time to reflect upon that, is still supportive of the comments he made in that interview or is he prepared to offer an apology?

**Hon Mr Sweeney:** Let me put the comment that the honourable member referred to in context. When I was asked, I pointed out to the reporter that I had visited both the south Regent Park area and the Jane-Finch area and had an opportunity to speak to the police who were working on these, to our various maintenance officials who are responsible for trying to identify these places and to some of the tenants.

In all three cases, it was brought to my attention that we first must have some reasonable evidence that what is alleged is taking place. I am sure my honourable friend would agree that is the way the law normally works. We have been told that is not the easiest thing to get, but when we do get it, the police have to be asked to charge the people in particular question. Then we have to go through the legal process to evict such a person. All of those things are being done on a regular basis. People are being evicted. People are being

charged. People are being discovered. That is the first point I made.

The second point I made was to remind the—

**The Speaker:** Order. Supplementary.

**Mr Runciman:** The tenants obviously were somewhat perturbed by the minister's comments, and I have a copy of a letter that was sent to the minister just yesterday from the 437 Jarvis Street Tenants Association. They were absolutely appalled at the minister's attitude.

It is this sort of apathy among elected officials that betrays the members of the public who put them in power and could very well degrade Toronto and put it on par with cities like New York and Chicago.

I would ask the minister to reconsider the position he has taken on this, to address the concerns of tenants and to consider working with the Toronto city council to make an effort to resolve this problem, which is wasting so many people in society, especially young people.

**Hon Mr Sweeney:** Let me ask my honourable colleague if he is not aware of the fact that a 10-minute interview can be encapsulated on television into 10 seconds. In fact, that is almost what happened here. I am trying to share with him what the nature of the whole discussion was. I do not think my honourable friend is disagreeing with the context in which I put my remarks. I am sorry, but I am not able to determine which 10 seconds out of 10 minutes is going to be shown and the way in which that is going to be perceived by the public. I have no control over that.

What I am saying to my honourable friend is that we are co-operating with the police, and we are co-operating with the tenants, but we are also acting in the way in which the law dictates we must act. I do not think my honourable friend would suggest to us that we should act outside of the law. That would make us just as bad as some of the people we are trying to catch.

1420

#### AFFORDABLE HOUSING

**Mr Adams:** My question is also for the Minister of Housing. The province signed an affordable housing agreement with the city of Peterborough. Under the agreement, the community was promised various advantages if 25 per cent of its housing was affordable. Can the minister report on the current status of this important housing agreement?

**Hon Mr Sweeney:** Let me ask my honourable colleague to please convey back to his community, the city of Peterborough, how appreciative



this ministry is of its co-operative attitude and the co-ordinating way in which it is working with us.

As a matter of fact, quite a number of things have happened since that agreement was signed. We have allocated, I believe, about 66 nonprofit units. We have allocated, I believe, about 18 convert-to-rent units. We have funded roughly a \$250,000 grant for redevelopment under PRIDE, the program for renewal, improvement, development and economic revitalization. We have provided funds to do an intensification study in the member's area, and we have funded an access-to-permanent-housing committee in his area. All these have flowed from that agreement.

I want to point out to my friend that one of the good parts about all of this is that we are generating a mix of housing, for students, seniors, single parents, some of which is affordable rental and some affordable ownership. That is the best possible package we could look forward to. Peterborough, because of its co-operative attitude, has made all of this possible.

**Mr Adams:** I think the minister is right; a variety of community organizations have already co-operated with the city and the province to develop housing projects. But I am frequently asked why the province does not use the land it owns to help such projects. My supplementary is, does the minister have plans for the release of provincial lands in Peterborough?

**Mr Breaugh:** Oh yes, I'm sure.

**Hon Mr Sweeney:** Yes. My honourable friend the member for Oshawa is completely correct, and I have no idea how he possibly knew that.

Let me remind my colleague the member for Peterborough that the Scott's Plains nonprofit housing project is built on government land. That is one that is already there. Second, he will perhaps be aware of the fact that we are currently negotiating for the use of a piece of provincial land; I think it is on Tower Hill Road. There is another piece of provincial land that we, internally in the Ministry of Housing and with my colleague the Minister of Government Services (Mr Ward), are looking at as a third project. So in fact we have already done some, one is just about to be announced and the third one is under consideration within the ministry.

**The Speaker:** I will now recognize the member for Etobicoke-Lakeshore for the deferred question.

#### HAZARDOUS WASTE

**Mrs Grier:** My question is to the Minister of the Environment and concerns the report I raised

with him yesterday about the Smithville bedrock remediation panel. Since this report became public, we have all heard the minister's reassuring statements. The citizens of Smithville have heard those statements now for four years. But this report is highly critical of the Ministry of the Environment. It is obvious that the ministry has been wrong about the size and extent of the contamination; it has been wrong about the depth to which the bedrock has been contaminated. His officials did not know there was a hydraulic connection between the shallow and the deep aquifers, and they have been wrong about the time this would take to clean up and the cost of the cleanup.

Can the minister possibly explain how, after four years of being seized with the urgency of this problem, he and his officials can be so very wrong about so many things?

**Hon Mr Bradley:** I would first disagree with the member. Of course, she has attempted to put the worst possible light on this, as is the job of the opposition critic; I accept that. I sat on the other side of the House for eight years, and I know that is a responsibility.

The fact is that the reason we commissioned this report, the reason we got these people from the University of Waterloo and others to look at the situation, was to evaluate the contamination that exists in the area, which everybody knows exists, to evaluate its extent and to recommend possible solutions to it.

I guess I was hopeful that there would be some specific solutions that would be apparent immediately. They have stated in the report that this is not the case. But if we have to break new ground, which in essence we probably will, if we have to be world leaders in this regard, we are determined to put in the necessary research and development, along with people from universities and other experts, to determine a technology to solve the problems that are there.

The member would know that we have already solved a number of the problems. We have already cleaned up a lot of the PCBs. We have secured the storage of those PCBs. A contract has been let for the destruction of the PCBs which have been secured; that is going through the environmental evaluation process at the present time. We have spent millions of dollars in good faith and worked hard on this project. This report points to more—

**The Speaker:** Thank you.

**Mrs Grier:** This report certainly points to the need for the minister to be world-class. One of the things the report says is that one reason why

the Ministry of the Environment should pursue the recommendations vigorously "pertains to the criticism directed by Ontario towards the United States regarding control and cleanup of the chemical waste sites in Niagara Falls, New York. The Smithville project is an excellent opportunity for the Ministry of the Environment to provide to the United States an example of technically rational and relatively fast action to prevent hazardous industrial chemicals in the bedrock from impairing water resources that are used by humans for drinking water supply." How fast can the minister move to set this example?

**Hon Mr Bradley:** I can assure the member that we are moving at this very moment to do so and have been for some months. First of all, I want to indicate that I happen to agree with that report which we commissioned. I happen to agree that we should move expeditiously, even though the report suggests it would require two years of research and development, and these are outside experts who have said that. They said, further to that, perhaps another three years would be needed for a demonstration project. I want to do that.

Here is a classic example of how we can demonstrate, not only to our American friends but to people around the world, how to address a particular problem, just as in south Riverdale for instance, and in the Niagara neighbourhood, we undertook activities which others have come to view and will be using our technology.

We are prepared to do that in this case. We are prepared to use money from the technology fund, which is related to environment. We are prepared to use it from the security fund. I think it is a good suggestion. We are prepared to move on it.

**Mrs Grier:** The panel's report is dated 26 June 1989. The panel acknowledges that the technologies required are not yet known. The panel says the challenge must be faced and asks that the minister appoint a committee of the best possible research and development people in Ontario to get on with the work. It says, "The panel recommends that the minister establish this committee in 1989." He has had the report for five months; he obviously has not appointed the panel yet. Does he consider that fast action? When is he going to appoint the committee, and when is he going to expect this report?

**Hon Mr Bradley:** I would not like to characterize it as no activity having taking place, because the fact is that millions of dollars have been spent in Smithville. For instance, we have a ring of 15 monitoring wells surrounding the site to determine whether there is any movement of

contaminants away. We have six purge wells which are pumping out and cleansing the water, and that has been going on since May 1988.

I am prepared to indicate, as I have all along, that whatever action is necessary to solve the problem in Smithville, this government is determined to fix up and clean up the mess that was left by the previous government.

**The Speaker:** Just so we do not get out of sync, because there was one deferred question, I will recognize the member for Etobicoke-Rexdale.

1430

#### LANDLORDS' RESTRICTIONS ON PETS

**Mr Philip:** I have a question of the Attorney General. In case he is not aware, I would like to draw the Attorney General's attention to the situation facing the Fernandez family. The Fernandezes have lived in their rented apartment for 18 years. For eight years their poodle has lived with them.

Interjections.

**The Speaker:** Order. Interjections are out of order, particularly if members are not in their own seats.

**Mr Philip:** To the Attorney General. As I was saying, the Fernandez family have lived in their rented apartment for 18 years. For eight years their poodle has lived with them. Superintendents in the past have always said that the poodle was no problem to other tenants in the building. Last Friday, their landlord gave them 15 days to get rid of the poodle because their lease contains a no-pet clause. They are now facing this cruel problem because the government has failed to amend the Landlord and Tenant Act.

Is the Attorney General now prepared to amend the Landlord and Tenant Act to protect tenants from this kind of capricious action by landlords?

**Hon Mr Scott:** I would like to thank the honourable member for his question. The initial view was that the Ryll case, or the Fluffy case as it is called, had changed the law of the province, which previously had permitted an eviction of a tenant for breach of a covenant only if disturbance to other tenants or the landlord was demonstrated in court. Many people thought the Ryll case had permanently changed the law.

A review of the cases since the Ryll case has indicated in fact that that is not so and that the old law, which requires the demonstration of disturbance, is reasserting itself in Ontario. In that context, of course, an amendment is not neces-



sary because the purpose of the amendment would be to restore the old law, which is now happening.

My advice to the constituents I have who are in the same situation as the family to whom my friend refers, is just to go to their neighbourhood legal aid clinic immediately, to not get rid of their pets and to not take an eviction. That is what the process is for and legal aid is willing to serve them.

**Mr Philip:** I am sure the Attorney General would understand that legal aid does not apply to a large number of tenants in this province, including people who actually fall under the legal aid ceiling. There are more than 100 buildings in Metropolitan Toronto alone where eviction notices have been issued. The various legal clinics, the Federation of Metro Tenants' Associations, as well as the humane societies, have asked for a simple amendment to the Landlord and Tenant Act to make it perfectly clear. Why does the Attorney General not make that simple amendment, which could be agreed to and passed fairly quickly and remove all of this kind of legal action that is occupying the courts unnecessarily?

**Hon Mr Scott:** We are watching the situation very carefully. If the Ryll case is followed, we will keep in touch and keep the honourable member advised as to what action can be taken.

What I think it is worth recognizing is that a simple amendment, though desirable, is probably not possible for the following reason. What we are dealing with here is covenants in leases which are directed not only to the keeping of pets but also to a variety of lifestyle considerations: bicycles in the hallways, smoking in the apartment and so on. The simple amendment that my honourable friend seems to think would solve the problem would in fact perhaps solve this particular aspect of it, but would pose major threats for other aspects of the problem that happily have not been addressed.

The best solution from the interest—

**Mr D. S. Cooke:** So leave it all open.

**Mr B. Rae:** Mortgage your cat and go to a lawyer. That's the answer.

**Mr Laughren:** Bring on the lawyers.

**The Speaker:** Order.

**Hon Mr Scott:** No. The best solution for the public and for the tenants involved is to watch the cases very seriously and to resist these eviction orders because on balance, the Ryll case appears to be an aberration which may not be repeated.

#### RETAIL STORE HOURS

**Mrs Cunningham:** My question today is for the Solicitor General. The Liberal government

promised that the legislation with regard to Sunday shopping, provides a province-wide law that requires most retailers to close on Sundays. They underline that it makes this new law stricter, fairer and more enforceable than the old law. We believed them. We thought that would happen. We know that there are numbers of stores open across this province on Sundays. What are they going to do about the enforceability?

**The Speaker:** Did the minister hear the question? Order.

**Hon Mr Offer:** I had some difficulty in hearing the question, but I think it is centred around the whole question of the responsibility of enforcement for the Retail Business Holidays Act. Let me say categorically that it is obviously the local police who are responsible for the enforcement of the provisions of this legislation. They are the ones who determine when charges are warranted. They are the ones who investigate matters of complaint and allegations. That is their duty. That is what they are sworn to do, and that is what, in fact, they do.

**Mrs Cunningham:** I sat in a committee that went across this province, and I listened to the government representatives speak for literally hours on the enforceability clause, which states, "Upon the application of counsel for the Attorney General...." That is counsel for the Attorney General. The minister has the power. He promised it. What is he going to do about it?

**Hon Mr Offer:** I listened carefully to that supplementary, which I thought might be directed to the Attorney General. However, again, the question of enforcement of the legislation and all of the provisions under this legislation is that of the local police forces. That is what they do. They are the ones who are responsible. They are the ones that investigate allegations of any breach of the provision. They do this, not only with this act, but with many other acts and laws across the province. They are the professionals in this matter, and they are the ones who carry out that job.

#### ELGIN-WINTER GARDEN

**Mr Owen:** I have a question for the Minister of Culture and Communications (Ms Hart). The Elgin-Winter Garden theatre is nearing completion. Of course, we realize it is probably the last example of a stacked theatre left in the world. It was funded partly by the province; it was funded partly by the federal government, but we all know the minister has had to look to the private sector for assistance in funding this project.

Recently, the Toronto media have been saying that the minister is experiencing difficulties in getting this funding from the private sector for this particular project. Could the minister please update us. Where are we with regards to funding of this project and how viable will it be to pay for it?

**Hon Ms Hart:** I would like to thank the member from Simcoe Centre for giving me an opportunity to make some comment in answering the question about the funding partnership of this spectacular restoration of the Elgin-Winter Garden theatre. Yes, indeed, the property was purchased by the province—at least by the Ontario Heritage Foundation on behalf of the province—initially for \$4.5 million. The total budgeted cost for the restoration is \$29,350,000. The largest part has, indeed, been paid by the province. It is an amount of \$15 million. The federal government, through its economic regional development agreement that it shares with the province, has kicked in \$5.5 million. The private sector has committed to raise \$7 million as part of—

**Mr Cousens:** Okay. Time, Mr Speaker.

**The Speaker:** Thank you. I would appreciate if the member for Markham just—I know he tried to be helpful. Supplementary.

**Mr Owen:** I do not feel I have quite got the complete answers to where we are, whether we are going to make it or not from the private sector funds. But in addition to that, I am concerned about rumours which have prevailed about the authenticity of the restoration work. People who went in to see Cats came away saying that the work was very well done, but now we are hearing rumours, just before we are about to open for performances, about the quality or the authenticity of the work which is being done. So could I have an answer to that? Also I do not feel I got an answer with regards to whether the private sector people are on hand. Are they supportive or not?

1440

**Hon Ms Hart:** If I could deal with the question of authenticity first. The heritage community has come together to assist in very many ways in this project. It is a restoration of incredible sensitivity and it is heralded across North America for its quality.

I can tell the member that the budget is on target. The project will be brought in under budget; I inquired just this morning about that. And also that on 15 December, which is the scheduled opening date for the Elgin-Winter

Garden theatre, it will be ready in all its splendour.

#### ASSISTANCE TO FARMERS

**Mr Wildman:** In the absence of the Premier (Mr Peterson) and the minister responsible, I would like to direct a question to the Treasurer. In view of the presentation to the cabinet yesterday by the Ontario Federation of Agriculture in which the federation pointed out that in Alberta, Saskatchewan and Quebec all farmers in those provinces have assistance for interest rate reduction, and that with the end of the family farm interest rate reduction program in Ontario, our farmers have virtually no interest rate assistance at a time when close to \$900 million is owed by Ontario farmers in short-term debt, and that one per cent increase in interest rates adds another \$9 million to debt carrying charges; in view of those facts, can the minister indicate when the provincial government intends to bring in a program similar to the Ontario family farm interest rate reduction program which would assist Ontario farmers—

**The Speaker:** Thank you.

**Mr Wildman:** —and put them in a competitive position—

**The Speaker:** Thank you.

**Mr Wildman:** —to compete with the farmers of other provinces?

**The Speaker:** Thank you.

**Hon R. F. Nixon:** No, I cannot. But I can acknowledge that we had an excellent meeting with the executive of the federation yesterday, the Minister of Agriculture and Food (Mr Ramsay) and all members of the cabinet. Most of the cabinet were present and had a chance to hear the views put forward by the federation. We thought their presentation was effective. The honourable member is correct that with the end of the OFFIRR program, the dependence of Ontario farmers is with the Farm Credit Corp, which is a federal responsibility.

**Mr Wildman:** In view of the minister's statement that there was an excellent meeting and exchange of views, he will know that the federation of agriculture indicated to him and his colleagues that, in their view, the federal Farm Credit Corp is faltering and that the federal government intends to get out of agrifinancing. In view of that, will the government accept the federation's recommendation that the Ontario government develop a long-term strategy for farm credit assistance and assume a leadership role in light of the diminishing commitment of



the federal government to providing effective interest rate reduction assistance?

**Hon R. F. Nixon:** Unfortunately, we find in this province that the federal government is moving out of a number of programs that traditionally and effectively it has occupied. As they do that, of course, it gives us additional financial responsibilities.

In my view, the continuation of the growth of the budget of the Ministry of Agriculture and Food is important and certainly it will continue to grow, and I am hoping that we can have an array of programs that are going to meet the needs of our farmers without, in fact, allowing the federal government to remove itself from this extremely important and traditional responsibility.

#### ACADEMIC STREAMING

**Mr Sterling:** I would like to ask the Minister of Education a question. Is he in the building or is he still on the front steps?

**The Speaker:** I do not see the minister. Oh, here he is.

**Mr Sterling:** The Carleton Board of Education in my riding has expressed a concern over the minister's decision to destream grade 9 students without further research into its impact. They are also particularly interested in or concerned about one school, that is, Sir Guy Carleton Secondary School which is a school which may be closed as a result of destreaming students. Sir Guy Carleton deals with basic learning level children who cannot normally exist or survive in an environment which a normal school provides.

Can the minister tell me why these decisions are being made that will lead to the closing of Sir Guy Carleton, a basic level school, when he must know that this will create an impossible situation for these very special students?

**Hon Mr Conway:** I want to thank my friend from Manotick, the member for Carleton, for his interest in this matter. He will know that what a local school board does with the allocation of space within its jurisdiction is entirely a matter of local autonomy. I had the pleasure, the other week, of meeting with representatives of the Carleton Board of Education and I heard their concerns about this government's very significant reforms of our education curriculum and structure, one of which is, of course, destreaming through grade nine. I told them what I will tell the House and my friend from Manotick now, that one of the supporting documents for that initiative was one of the recent reports of the select committee on education, I think a unani-

mous report, concurred in by the member for Burlington South (Mr Jackson), as I recall, that destreaming would be an appropriate course of action.

**Mr Sterling:** Without saying the minister would ever mislead this House, I might point out that if he reads the report of the select committee on education, he will find that it has said there is inconclusive research on this matter and that destreaming should be studied, not put into action. I would ask him to clarify that with this assembly in terms of his answer.

Second, if in fact destreaming takes place—

**The Speaker:** Let's try number one first.

**Hon Mr Conway:** I say to my friend from Manotick that he will want me to say very publicly that the report of the select committee on education that dealt with this subject, a unanimous report concurred in, I believe, by the honourable members for Burlington South and Stormont, Dundas and Glengarry (Mr Ville-neuve), recommended destreaming through grade nine, talked about studying other aspects, but certainly that select committee report, with three party support, including the support of his colleagues from Burlington and Glengarry, specifically addressed destreaming through grade nine, which is what this government is in the process of doing.

#### REGIONAL GOVERNMENT OFFICE

**Mr M. C. Ray:** I have a question for the Minister of Culture and Communications. It concerns the future of the Windsor office of the Ministry. The minister will know from her recent visit to our city, the strong dissatisfaction felt in the community about the deficiency of Ontario government jobs in our city, compared to other cities in Ontario.

The minister will know about the deep concern of the cultural community regarding press reports and rumours of the closure of the Windsor office of her ministry. What can the minister tell the residents of Windsor, the Windsor Arts Council and the various cultural groups and organizations in our city about the future of the ministry office in Windsor?

**Hon Ms Hart:** I can appreciate the strong interest of the member for Windsor-Walkerville in this matter. I too have heard the rumours and read the rumours about the supposed closing of the ministry's regional office in Windsor. I would suspect that the basis of those rumours was a report that dealt with the rationalization of services in the various regional offices.

I would like to stress to the member that it is a report like any other report. It does not represent ministry policy and I would say to the member that I have no intention of closing our regional office in Windsor. In fact, in my recent visit to Windsor and to a number of regional offices, I have been reinforced in my view of the strong role that regional offices can play.

**1450**

**Mr M. C. Ray:** I have a supplementary which deals with the number of jobs. What assurances can the minister give the employees of the Windsor office, both the administrative management employees and the unionized workers in that office, of their own job security? Are their jobs secure? Are there any plans for the reduction of jobs in that office?

**Hon Ms Hart:** As I have indicated, I am strongly committed to retaining the regional office in Windsor and to retaining the high level of service in that office, and that cannot be done if jobs are to be cut. I give the member my assurance that no jobs will be cut, that the level of employment will remain the same.

#### ELECTRICITY DEMAND AND SUPPLY

**Mr Charlton:** I have a question for the Minister of Energy. My question is concerning the minister's statement on Monday regarding Ontario Hydro's preferred plan, when it is ready, and her announcement that the review of that plan would be done under the Environmental Assessment Act by the Environmental Assessment Board.

Most people that we have talked to since Monday are happy that the Environmental Assessment Act will be used to govern this review process, because the act provides a very broad approach to the questions that will be included in the plan. However, there are some concerns. We have an Ontario Energy Board in this province which was set up to deal with energy matters and which has developed considerable amounts of expertise around Hydro operations, Hydro matters and particularly matters of funding and dollars and cents.

Can the minister tell me why she did not consider a joint board hearing under the Environmental Assessment Act and the Ontario Energy Board legislation in order to review the Hydro plan?

**Hon Mrs McLeod:** I quite agree with the honourable member that the Ontario Energy Board has been playing an important role in one very specific aspect of reviewing wholesale rates proposed by Ontario Hydro in an advisory

capacity to the minister. I think that our belief was, as we looked at the magnitude of this study, that we will be asking the Environmental Assessment Board to look at Hydro's projections of need as well as all the options that might be possible for meeting future indicated need and that this was a project which required the full environmental assessment approval processes to be gone through.

I think there is no question that my colleague the Minister of the Environment (Mr Bradley), in looking at the appointment of an Environmental Assessment Board, will be concerned with a membership which can fully reflect the expertise necessary.

**Mr Charlton:** The minister should be aware that, although I understand what she is saying, the questions around projections and need become very tricky questions. Her colleague just behind her could tell her that from having spent some time dealing with Hydro projections.

Would the minister consider doing what has been done in the past, at least in reverse, which is to second a member from the Ontario Energy Board to sit on this environmental assessment panel? This was done the other way in a case of secondment of an Environmental Assessment Board member to an energy board hearing on a Consumers' Gas proposal in eastern Ontario. Would the minister at least consider that so we can ensure that the expertise which has been developed at the Ontario Energy Board is not lost to this hearing?

**Hon Mrs McLeod:** I think the honourable member will know that the appointments to the Environmental Assessment Board would be made through my colleague the Minister of the Environment. I am sure my colleague will take the concerns the honourable member has raised to heart. I know that there will obviously be a concern to have an Environmental Assessment Board with the full expertise to deal with this very complex matter.

#### AFFORDABLE HOUSING

**Mr Cousens:** I have a question for the Minister of Housing. It has to do with the matter of affordable housing in York region. Two nonprofit housing sponsors, the Hope Co-operative and the United Church Developments for York Presbytery, have been working on projects with ministry officials for some time on the assumption that there would be financial allocations forthcoming for this. There is a genuine commitment on the part of the community and on the part of the housing committee to do



something more in the region. They have been working hard at this.

It now would appear that the land that had been set aside for these projects will not be available because funding has not been available from the ministry. I guess it boils down to one basic question. Will the ministry commit to ensure that these sponsor groups receive the necessary funding so that they will not lose the land scheduled for these nonprofit housing opportunities?

**Hon Mr Sweeney:** The difficulty that my ministry is facing right now is that we have approximately three applicants for every approval we are able to give. My honourable friend is perhaps well aware of the fact that we share with the federal government approximately 5,000 units a year and, as a provincial government on our own unilaterally, we are putting out pretty close to another 10,000 units per year.

This is an effective program, but it is also an extremely costly program. Our provincial program alone requires capital funding from the Canada pension plan of about \$3 billion, and the total amount of subsidy that we are putting out this year is in excess of \$300 million. All I can say to the member is that we are looking at every application. Because we have to make choices, we are providing it to those areas where we think the need is the absolute greatest. I cannot say yes or no to his particular request, but I will certainly have my officials look at it.

## MOTION

### HOUSE SITTING

Mr Ward moved that notwithstanding any standing order, the House shall not meet on Thursday 30 November 1989.

Motion agreed to.

## PETITIONS

### FRENCH-LANGUAGE SERVICES

**Mr Brandt:** I have two petitions addressed to the Lieutenant Governor in Council. The first is signed by 27 individuals, indicating their concern about the costs associated with the implementation of Bill 8.

### REMEMBRANCE DAY

**Mr Brandt:** The second petition is signed by 1,200 residents of the Sarnia-Lambton area, again addressed to the Lieutenant Governor in Council. This petition condemns the government of Ontario for its refusal to close liquor stores on Remembrance Day, 11 November 1989.

## AUTOMOBILE INSURANCE

**Mr Kormos:** I have a petition addressed to the Legislative Assembly of the province of Ontario. It reads:

"We, the undersigned, hereby register our deep concern and outrage over the provisions of the Ontario motorist protection plan.

"We respectfully request that the Legislature consider substantial amendment of or complete rejection of the Ontario motorist protection plan as presently proposed. We further respectfully request that a plan be devised more nearly in accordance with the results of the independent studies undertaken at the request of the government."

It is signed by Claire Mandel of Hamilton, 12 others and myself.

**Mr Charlton:** I have a petition addressed to the Legislative Assembly of the province of Ontario.

"We, the undersigned, hereby register our deep concern and outrage over the provisions of the Ontario motorist protection plan.

"We respectfully request that the Legislature consider substantial amendment of or complete rejection of the Ontario motorist protection plan."

It is signed by 13 residents of the city of Hamilton, and I will add my name thereto.

1500

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Callahan from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation;

Bill Pr50, An Act respecting the city of Etobicoke.

Your committee begs to report the following bill, as amended:

Bill Pr31, An Act respecting the Town of Iroquois Falls.

Your committee further recommends that the fees, less the actual cost of printing, be remitted on Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation.

Motion agreed to.

## INTRODUCTION OF BILLS

### HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Wildman moved first reading of Bill 78, An Act to amend the Highway Traffic Act.

Motion agreed to.

**Mr Wildman:** The purpose of the bill is to amend the Highway Traffic Act to add vehicles transporting livestock to the list of the types of vehicles that are exempt from the basic weight restriction for reduced load periods. Subsection 104a(1) of the act sets out a general requirement that no commercial motor vehicle being operated on any designated highway during a reduced load period shall carry a load in excess of 5,000 kilograms per axle.

Subsection 104a(2) sets out a list of the types of vehicles that are exempt from the basic restriction of subsection 104a(1) and that are instead subject to a requirement that the maximum load per axle shall not exceed 7,500 kilograms.

Under clause 104a(2)(c), vehicles transporting poultry are included in the list. The bill amends clause 104a(2)(c) to add vehicles transporting livestock to the list as well.

**The Speaker:** I am sure all members read their Votes and Proceedings from yesterday and they will therefore know that, under standing order 27(g), the vote on the motion for second reading of Bill 36, An Act to revise the Public Service Superannuation Act, has been deferred until after routine proceedings. The time has arrived. There will be a five-minute bell. Call in the members.

1508

### PUBLIC SERVICE PENSION ACT, 1989 (continued)

The House divided on Mr Elston's motion for second reading of Bill 36, which was agreed to on the following vote:

#### Ayes

Adams, Ballinger, Beer, Black, Bradley, Brown, Callahan, Campbell, Carrothers, Chiarelli, Cleary, Collins, Conway, Cooke, D. R., Cordiano, Daigeler, Elliot, Elston, Epp, Ferraro, Fleet, Fulton, Furlong, Grandmaître, Haggerty, Hart, Kerrio, LeBourdais, MacDonald, Mahoney, Mancini, McClelland, McGuinty, Miclash, Morin;

Neumann, Nicholas, Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Owen, Patten, Phillips, G., Polsinelli, Poole, Ray, M. C., Reycraft, Roberts, Smith, D. W., Smith,

E. J., Sola, Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Ward, Wilson, Wong.

#### Nays

Allen, Bryden, Charlton, Cooke, D. S., Cousens, Grier, Hampton, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, Morin-Strom, Philip, E., Pollock, Pouliot, Rae, B., Reville, Sterling, Wildman, Wiseman.

#### Pairs

Breaugh, Cureatz.

Ayes 62; nays 25.

## ORDERS OF THE DAY

### EDUCATION STATUTE LAW AMENDMENT ACT, 1989 (continued)

Resuming the adjourned debate on the motion for second reading of Bill 64, An Act to amend the Education Act and certain other Acts relating to Education Assessment.

**Mr Jackson:** I am not in the least bit deterred as this assembly empties itself. I do not take that as any indication of the comments I will make about public education, but perhaps it is as much about the interest in matters with respect to the financing of education. I can only hope the remaining government members will listen, because the message I have today has a lot to do with the future health and welfare of public education.

As the Education advocate for the caucus of the Progressive Conservative Party, I am pleased to participate in this significant debate on the pooling of industrial and commercial assessment for education purposes or, as we know it, Bill 64 and Bill 65. This legislation has to do with the central question—

**Mrs E. J. Smith:** On a point of privilege, Mr Speaker: I would like to point out the extreme interest of this government in comparison with the interest of the member's own party in his speech. We have many members here to hear him.

**The Deputy Speaker:** Will the member resume, please.

**Mr Jackson:** Is that in order?

**The Deputy Speaker:** No.

**Mr Jackson:** I appreciate the member's interest in attendance and an indication of her lack of interest in the issues of financing.

**Mr Laughren:** She can call a quorum.



**Mr Jackson:** Yes, she is more than welcome to call a quorum at any time.

This piece of legislation has more to do with the financing of education. As such, it figures very importantly in the central consideration of the development of our publicly financed educational systems and the significant role that education is increasingly playing in our complex society.

The existence of two publicly financed systems of education, the public and the separate, is now a fact of life in Ontario. The roots of the bipartite development of our educational system are historical, and as some observers have noted, it has to do not only with the question of the presence or absence of religious teachings in schools but also with the ongoing debate about education as an arm of government and education as an expression of the control of family and our familial values.

The public school system is one which is characterized by its accessibility to all, something which does not hold true of both publicly financed systems. In dealing with the issue of pooling, we are really talking about publicly financing; in other words, finances from all to pay for two systems, one which is acceptable and accessible by all and the other which is not. We are also talking about public financing and taking those public finances away from the public system to help assist and pay for the separate system.

At this point, I would like to correct for the record a statement which was made in yesterday's opening debate by the Minister of Education (Mr Conway) when he indicated, and I will quote from Hansard, "We now have, as a result of Bill 30, two fully funded public school systems in the province of Ontario." I suspect that the minister offered us a minor slip of the tongue because, as has been noted earlier, we have two publicly financed systems, but by their nature one is public and the other is separate, and the members of the public board accept students in this province without exception.

In addition, I was rather surprised that during yesterday's debate the Minister of Education referred to Bill 64 as legislation that involved a shifting of resources. Again, I have the exact statement. The minister said, and I quote from Hansard: "I would describe the result as a matter of shifting. We are not going to know the full measure of the shift until we have a chance to look at the assessment rolls for 1990."

I suspect that if the minister examines carefully the implications of this legislation, he should

be less focused on shifting and more focused on equity and responsibility. It would be sad indeed if, after public hearings on this bill, there are not the necessary and appropriate amendments and that the legacy of the Minister of Education would go down in history under the locution of "Shifting Sean."

It is really not what this bill should do. Rather, this Minister of Education and his government should be measured by their actions in amending this legislation. I suspect that he will be measured by his effectiveness and measured over the next weeks and months before implementation of this bill, that he might more fairly enjoy the label of "Credible Conway."

The verdict is not in yet, since the debate has just begun on this issue of pooling, but I for one believe he has it within his capacity to amend the bill to ensure that the points that my colleague from the New Democratic Party and I are both raising will be addressed fairly and equitably.

We need to ensure, of course, that our public school system is protected from the impacts of certain elements of this bill. Neither the actions of the minister nor his words—nor, I might add, does the specific language contained in this bill—speak to the issue of protection. In fact, there is room to consider that it does the opposite.

Now, during the debate surrounding Bill 30, my party, and I as its critic, fought long and hard in this Legislature to ensure that the public education system as we knew it then was protected from any shortfalls in terms of education financing which came as a result of the extension in full funding under Bill 30. I regret to say, after careful examination of this bill, that the language of this bill invites me to rise in this House to promote that cause once again.

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What is also a fact of life in Ontario is that the commitment of the provincial Liberal government to education financing and the significance of the provincial role in maintaining the viability of our education system by ensuring fairness in funding allocations be upheld, whether their sources be found in provincial coffers or elsewhere, and by maintaining a funding level which reflects the real fiscal needs of schools. These needs, I might add, are increasingly being defined by provincial mandate, in most cases without consultation, with fiscal responsibility and accountability ultimately falling on local school boards and, of course, local school board ratepayers, all under the guise of local autonomy. That is the disturbing trend in education over the

last five years specifically and over the last 10 years generally.

We must note that general legislative grants, as a percentage of school board expenditures, have consistently declined. In 1975, 61 per cent of the costs were provided by the provincial government. In 1980 it had dropped to 52 per cent. In 1985, with this new government under the member for London Centre (Mr Peterson), it slipped to 46 per cent, and today, under that same government, it has dropped to as low as 42 per cent. At the same time, almost every single school board in this province has increased its spending so that it is spending at a level in excess of the grant levels, or what we refer to as the ceilings, so that any expenditure in excess of that ceiling is borne 100 per cent by local taxpayers.

Since the ability to raise funds, the ability to raise taxes through this mechanism of picking up the shortfall from local taxpayers varies from community to community and from board to board, the basic equity of our grant system has been eroded in recent years, a fact which the Ministry of Education acknowledges, a fact which the Macdonald commission dealt with in some detail and reported on to this House in 1985 and a fact on which the select committee has just undertaken a full summer of review and hopefully will be able to report to this House within the next two or three weeks.

**Hon Mr Conway:** Some of its earlier reports were of course discussed in question period.

**Mr Jackson:** It is therefore imperative, now that the minister has returned, to recognize at the outset that the proposed mechanism for pooling and sharing of industrial-commercial assessment by our two publicly financed systems is not, and cannot be, in a way which the provincial government may somehow hope to maintain its present course of action of continuing to reduce its funding commitment to education.

If anything, this legislation currently before us is a clear indicator of the need for a heightened, more intensified provincial role in education financing. It is one thing to want to include our education system more and more within the market orientation of the laws and values of business which, it is readily acknowledged, do have a major impact on deciding society's values, but it is quite another thing to do nothing about the vulnerabilities of that educational system whose proper functioning requires a flexible and secure funding base both now and especially in our future.

With respect to the question of pooling, fairness is what we expect for both our publicly

financed school systems. Fairness is not what we have always observed in the past. However, as when we witnessed, for example, the school transfers, which the minister had a major hand in orchestrating in the wake of Bill 30, the real fiscal needs of school boards are just that, and they must be addressed in that same spirit of fairness.

I will make the argument that fairness as a principle includes, and must include, the idea of protecting our education system where it is vulnerable and especially where it is vulnerable with respect to the pooling of industrial-commercial assessment. To do otherwise would be to reduce fairness to a matter of equality of degree.

When a school board experiences fiscal vulnerability, its equality with other boards which do not experience such vulnerability is therefore eroded. Without addressing that vulnerability first, there can be no question of ensuring fairness. In short, fairness should not mean a general weakening of public education.

It is to this question of protecting our public school system before we can even ever question the issue of ensuring fairness that we must turn our full attention today in this debate. Following the recommendations of the Macdonald commission, which reported in December 1985, this Liberal government has indicated that it would adequately compensate those boards which would suffer real assessment loss once pooling came into effect, yet many boards have expressed well-grounded fears about this government's intention and questioned its determination to make good on its commitments and its promises.

This government's track record on education financing speaks for itself. More and more responsibility for education costs have been downloaded on to local municipalities and local taxpayers. More often that not, the ceiling levels, or recognized ordinary expenditures, do not reflect the real economic situation in which school boards find themselves. I might add that nowhere in the proposed legislation which we are now debating does it state that compensation to boards that will be impacted negatively by pooling will somehow be guaranteed, nowhere in the legislation.

We are asked to trust the Liberal cabinet to examine this data at some future date. That is the same cabinet which is now planning to remove the elementary and secondary distinctions in our system for funding purposes, it is the same cabinet which has arbitrarily lowered the capital



grant rate from 75 per cent down to 60 per cent, it is the same cabinet that talked about reducing class sizes in the primary division and had one funding formula before the election and an entirely different funding formula after the election.

But this Minister of Education asks us, on faith and trust alone, to deal with one of the most significant financing decisions that will face public education of the decade. That, the minister will find during public debate, is unacceptable. And it is not just unacceptable on faith; it is unacceptable because of his own government's track record.

Consequently, there is real concern from school boards that any planned compensation to our boards after pooling comes into effect would not adequately reflect what they believe are the real assessment losses. Many boards therefore doubt that the province can guarantee that no board will suffer revenue loss as a result of pooling. Even though the current minister and his predecessor both promised to protect the fiscal security and the autonomy of our public boards, we know that they failed to deliver on their promise, and that failure has contributed in no small measure to many boards' fears that they will have to take a back seat to others with respect to funds garnered from pooling.

While the Education ministry's total estimate of the pricetag needed to ensure what it calls revenue neutrality of pooling is \$200 million, yet, as has been noted in this debate, there is already a \$20-million differential of opinion which exists between the figures of the Treasurer (Mr R. F. Nixon) and those figures supplied by the Minister of Education. If this government hopes to achieve true revenue neutrality, which it says it does, it is going to have a hard time guaranteeing it if it cannot reach agreement and consensus at the cabinet table as to what that figure will be.

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On completing its study of the impact of pooling on local taxpayers, the Minister of Education determined that \$165 million would have to be added to the general legislative grants to offset this shift in assessment. However, this still would leave 13 boards in this province with a net revenue-loss position. For purposes of the record, I would like to indicate which ones they are: Cochrane Iroquois Falls, Hamilton, Kapuskasing, Metropolitan Toronto, Nipigon-Red Rock, North Shore, Ottawa, Prescott & Russell County, Sault Ste Marie, Stormont Dundas and Glengarry, Sudbury, Timmins and Windsor. An

additional \$35 million in special compensation will therefore be required to ensure that these boards are not adversely affected; as well.

It is clear, therefore, that the amount of money needed to enrich the general legislative grants will have to be increased. The ministry and the estimates of the Treasurer are based on an impact study which uses 1987 assessment rolls for 1988 taxation purposes. The exact amount of compensation required will therefore not be known until the assessment rolls for 1990 taxation are available.

And while the ministry will not be conducting another impact study, based on the 1990 assessment data, it is a comment on the times to note that the public boards have determined to proceed with an impact study of their own. According to some estimates, the public school system will lose an additional \$270 million because of the shortcomings of this government's impact analysis. We must also note that no inflation factor has been built into the six-year phase-in model, while the assessment shifts resulting from the proposed changes to the separate school zones have not been included in the compensation package for public boards.

Nor is compensation included to cover the impact on public boards which the amendments governing unincorporated partnerships will have. We would like to recommend to this government that any provincial guarantees that no board will suffer revenue loss because of pooling should be backed up with legislation designed to protect the assessment base from further encroachment and include, by way of compensation, the equivalent of an increase in over-ceiling expenditures in 1990, or later years, that would have been raised had the assessment base not been lost through pooling.

At the same time as this government has proposed pooling as one answer to education financing, it has also promoted Bill 20, the Development Charges Act, which enables school boards to impose lot levies for 100 per cent of new school construction costs. It is important to note that provincial support for approved capital projects has fallen from 75 per cent to 60 per cent and that lot levies do not address the problem faced by the current situation which we find in Ontario schools, that of 200,000 students studying in portables.

It is clear that other initiatives in the government's throne speech and its recent budget with the increased access for junior and all-day senior kindergarten will further exacerbate the situation of students being educated in portables in this

province. And yet, the government wishes to distance its responsibilities in a fiscal way by embracing the pooling notions without dealing with compensation in the light of those new initiatives. Lot levies are really just one more instance of the province shifting, increasingly, its responsibility for educational financing on to local taxpayers, and yes, now even to local homebuyers.

When Ontario school boards approached this government for the several billions of dollars over five years which they felt they needed to build the new schools necessary, this government promised them \$1.2 billion over four, almost five, years, with the added open suggestion by the former Minister of Education that the boards should begin incurring deficit financing by borrowing against the Canada pension plan and other pension funds that are available in this province. It is interesting that this kind of direction and recommendation to school boards comes without any legitimate guidelines, which our municipalities must follow under the Ontario Municipal Board. But there does not seem to be any for school boards.

I think this government is setting in motion a dangerous trend if it wishes to promote the same kind of long-term Liberal deficit financing which typified our federal government, that now in Ontario this is the same kind of encouragement which a Liberal government is giving to school boards. It is not a pleasant picture for the future of education in this province, and it certainly speaks poorly of our ability to afford costs of government in the future if deficit financing of this magnitude is being encouraged by the government.

We must also note that there are, at present, two constitutional challenges to the distribution of property assessment that are pending before our courts. Two francophone separate school supporters from Ottawa-Carleton and Cornwall, respectively, are seeking a judicial order to have property tax assessment for school purposes redistributed on the basis of school enrolment and not on farm and property assessment. If this action is successful, it will mean a greater shift of assessment to the separate and francophone school systems and will therefore constitute a further funding problem which must be addressed by this province.

The province will also have to address the problems of vulnerability and fairness raised by the regulations to be introduced to govern separate school boundary shifts under provisions of the Scott act, 1863. Separate school boards

can be extended by drawing a three-mile radius around the heads of five families to create a separate school zone. This method of expansion, of course, leads to gaps between the various zones, which can overlap board boundaries and municipal boundaries. There are several problems associated with that.

The government has served notice of its desire to change this, and the anticipated changes would extend boundaries of the separate school boards so that they cover the same jurisdiction as public boards. Zones will be extended by a municipality or township depending upon the circumstance.

Again, this government's claims that assessment shifts will be minimal are greeted with apprehension by boards, once again, which feel that these kinds of shifts could indeed be significant for a number of boards. They could be significant in terms of their financial implications. Again, the compensation package should deal with the issue of this change, and the compensation package should account for any adverse implications to the public systems.

In addition, boards have expressed the concern that pooling, in its present form, will have an adverse effect in northern boards and locally controlled Indian schools. We are not arguing, therefore, against pooling as such, rather only against the manner in which it is being instituted under proposals of Bill 64 and Bill 65.

These bills have indeed brought to the fore a number of issues which run the risk of not being addressed adequately, and because of that, can seriously undermine our education system's ability to fulfil its mandate. Our education system's ability, therefore, to fulfil its mandate is what we really should be addressing here in the House.

The government's unwillingness to play the central role, which the province has formerly played with respect to educational financing, is also at issue. That distress which extends to the promises made by this government respecting the protection of the financial viability of boards as well as their autonomy is at issue here.

Accountability is the first and greatest lesson of most historical democracies. This government appears to need to take a refresher course on the implications of this bill. It cannot afford to play games with our educational system nor can it afford not to protect it where it is vulnerable under funding schemes such as pooling. To do so would be an exercise in unfairness to all boards and all students in this province. To do so would be to expose our educational system, and therefore the future of this province, to the fiscal



uncertainty of the whims of a funding mechanism perceived as inflexible and irresponsible to the particular needs and requirements of individual school boards, whether they are located in northern Ontario, urban centres, Metropolitan Toronto or southwestern Ontario.

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To do so would also hurt the traditional character of excellence which has also been the hallmark of Ontario's educational system. It is a system, after all, for all of our citizens, irrespective of where they live and what station they hold in life. I therefore call on this government to take the necessary steps to alleviate the concerns of many of our boards with respect to this proposed legislation by instituting the flexible and fiscally realistic mechanisms where actual needs of school boards in varying circumstances can readily be met.

In order to best achieve this, this government would do well to consider the referral of this legislation to committee for public hearings rather than to take the path of quick passage through this House, so that those boards which are affected most may be afforded an opportunity to present their concerns in an open forum and to hold this government more accountable with respect to its promises of guarantees and to ensure that those promises are put in legislative language.

Quality education is indeed a priceless treasure in this day and age for the future of our students. In our attempts aimed at meeting the proverbial bottom line in this provincial budget, let us not do it the injustice of devaluing its significance for our citizens and for the future of our province's educational system.

**Mr Allen:** I rise, like my colleague the member for Scarborough West (Mr R. F. Johnston) last year, to speak in support of this piece of legislation. I must say it takes me back to a previous incarnation as an Education critic and to a previous issue in which I was very deeply involved, namely the debates around Bill 30.

The issue before us today is whether certain steps that naturally and properly arise out of the undertaking to provide equal funding for the Roman Catholic separate school system in this province as a publicly supported, and historically publicly supported, school system will in fact be taken; whether that equality will be fully addressed or whether we will leave the job half done.

We address the question, none the less, in the context of a much larger issue which the government fails to address, namely the whole

question of equity in education taxation and the whole question of who should be paying for education and from what tax base. In that respect, boards situate themselves in very different positions at this point in time, and they will continue to be much differently situated after the passage of this particular piece of legislation.

In other words, while I am rising to support this proposal of limited coterminous pooling of commercial-industrial taxation for purposes of education revenue in the boards of this province, I do so with the recognition that what is being accomplished is a relatively small thing. Obviously, it is important, most of all for the boards which exist in high-population areas with large commercial-industrial assessments, where there has historically over the years grown a major disparity between public and separate boards in particular, those boards having had by law different kinds of access to commercial-industrial assessment, the public board being able to take advantage of the lion's share of that assessment and the separate boards only a minimal part, and sometimes none at all.

In those situations there will be an increased equity. But as my colleague pointed out yesterday, there are some major problems when one casts one's eye a little bit further afield and looks at some still further adjacent or coterminous boards. I should not say "coterminous boards," but boards that lie adjacent to a coterminous board area where the gap between what is possible in the new coterminous pooling situation and what remains possible for them with a different degree of commercial-industrial assessment will indeed be striking and large and to the deficit of the children in those school board situations.

It is interesting when one looks back at articles written in the past on this subject by commentators who have been at this place, like Rosemary Speirs looking at an upcoming election in 1987 and asking herself whether the government would really be prepared as it approached a budget that year in advance of an election to grasp the nettle of justice in educational finance and provide real equity for all boards, and for all school children, in fact, across the province. She doubted very much whether the government would grasp that nettle, and indeed she was correct.

The members of the government in opposition, having been very outspoken on the question of reaching a 60 per cent provincial contribution to education, clearly were very much afraid of moving on their own agenda. As a result, what

we have had subsequently in this province is a continual decline of provincial contributions to the share of education costs that the province ought to have been bearing. Where the figures were once 60 per cent, or just slightly over 60 per cent in 1975, they are down now to 42 per cent of provincial contribution of the recognized ordinary expenditures of school boards.

The minister, when he addresses this question, keeps making the comment: "Well, why don't you address the spending question? I never hear my New Democratic Party friends talk about spending." The spending side of it is fairly simple and fairly direct. Of course, one cannot have an open-skies system of educational finance. One cannot, as a provincial government—New Democrats, I am sure, would be no different—approach provincial contributions to totally open-ended budgets in transfer agencies. I think that goes as a matter of course.

The problem, however, is not that question; the problem is whether the provincial government has established ceilings for recognized expenditures in the school system that are realistic or not. In our time what has happened is that 95 per cent of the boards in this province are in fact spending over the ceilings established by the provincial government, which at this point stand at \$33,225 per elementary pupil or \$4,122 per secondary pupil.

Some boards spend heavily in advance of that. There are boards in this province that reach up to \$1,200, \$1,400 and \$1,500 over the ceiling, and there are other boards that can barely creep above it at all. But the story is that most boards, 95 per cent of them, find that in the discharge of their educational responsibilities they have to spend more than the ceiling. So the question is not whether anyone is in favour of blue-skies, open-skies funding; the question is whether the government is prepared to establish realistic ceilings and meet realistic contributions to the cost of education in this province, and that, of course, they have not been prepared to do.

What we have in this instance is an attempt to address one corner of a horrendous problem of access to commercial-industrial assessment. In the past there has been very extensive discussion. For years, we have addressed and asked questions about the province-wide pooling of commercial and industrial assessment. We have never been able to get satisfactory answers from provincial governments that propose that solution as to whether or not all of the moneys of the pool would in fact be spent in the field of education or whether they would be siphoned off

in some other field of expenditure. There were never any promises with respect to those questions.

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We were not able to get satisfactory answers with respect to what the impact would be on the local autonomy of school boards in this province. So understandably, every time that subject would come up, boards would go into reaction and the issue would be dropped like a hot potato, to be revived in some other form, never satisfactorily addressed, and the inequity, the injustice, has remained.

The injustice, of course, is not simply an injustice between Catholic boards, which historically have not had access to commercial and industrial assessment, and public boards, which historically have taken by far the lion's share of that assessment. It is also between commercial-industrial-rich boards like my own city of Hamilton or the city of Ottawa or the city of Sault Ste Marie or the city of Toronto, where there are immense amounts of commercial-industrial assessment—yet you have not far away, in most of those instances, school boards that have only a fraction of the capacity to tax commercial and industrial enterprises and therefore cannot spend equivalent amounts of money on children who should be having precisely the same access, through quality education, to their life chances.

So what we have in this bill is an attempt to address a small corner of the commercial-industrial assessment inequity. The bill proposes to do this by arranging boards on a coterminous basis; that is, if boards are situated within the same boundaries, then they will share the commercial-industrial assessment within those boundaries.

The first thing to observe about this proposal, as my colleague did yesterday, is that certainly, if I can use an example, in the case of the Windsor boards, the public board, which now is able to deliver education at a cost per pupil of \$5,213, is significantly, at this point in time, in advance of the Windsor Roman Catholic board, at \$4,548 per pupil. With this reform, those figures will be balanced out. The Roman Catholic board will clearly make an appreciable gain, and the students in that board situation will be able to experience a greater and more enriched education as a result.

But if we look next door to the Windsor boards at the Essex county situation, where there is very little commercial-industrial assessment, the two boards are comparable in any case, just slightly over \$4,000 per student in their capacity to spend



on their educational enterprises. In that case, the pooling of commercial-industrial assessment will, I suppose, split something like \$40 difference between the two boards.

The impact clearly is going to be absolutely negligible in some coterminous board situations, and in others it will be quite dramatic. The overall impact of this in terms of the large question of financial equity in this province is really going to be very slight indeed.

If one takes again, for example, a case in Ottawa, where the comparisons have been made, you will find a situation where the Ottawa Board of Education is able to access 43 per cent of the commercial-industrial assessment while it only has 29.98 per cent of the pupils, whereas the Ottawa separate school board has an almost directly proportionate share, with some nine per cent of the assessment and almost nine per cent of the pupils. Obviously, the Ottawa public board is going to be able to deliver a per-pupil educational experience which is twice as rich in terms of its capacity to spend over ceiling than is the case with the Ottawa separate board.

That difference will be wiped out after the application of this legislation. There will be equity within the city, but then look at the neighbouring county, Carleton Roman Catholic Separate School Board, where it can access seven per cent of the commercial-industrial assessment, but it has twice that percentage of the students to pay for. It is not only going to be worse off, relatively speaking, than the Ottawa board in current measures but it will be also substantially worse off than its Catholic counterpart within the city. The problem we are left with is a very, very large problem of inequity in the field of educational finance in Ontario.

None the less, as I say, this does address a small corner of the issue, and in addressing a small corner of the issue, it does pose some problems that I think we have to be very wary of. For example, the legislation and the proposals that the minister has put forward, as I understand them, will peg the calculations that will apply over the subsequent six years in the redistribution of commercial-industrial assessment under this plan in the year 1990.

I want to impress on the minister that it is critically important, if he is going to use this as an instrument of achieving some justice even within the limited boundaries of this particular proposal, that he has to develop a rolling-year calculation on the commercial-industrial assessment growth in any given board situation, because that is the figure upon which will be calculated the amount

that will be shifted between boards. If, for example, a public board, such as the York board, anticipates a very substantial growth in commercial-industrial assessment by the year 1995, to the effective point where the commercial-industrial assessment will have doubled, then it is going to face a very difficult situation come 1995 if the calculations are made on a 1990 base. They will be the losers by substantial millions of dollars as a result.

So I plead with the minister that he is going to have to take account of other factors in calculating—I should say he should take account of the variable factors that will change as the years go by over this adjustment period, just as he should be taking account of the alteration in inflation rates. The projected change that will come with inflation over this same period of time will be quite significant, and as a result, calculations on the basis of 1990 dollars will be inappropriate. Public boards in some situations will be significant losers if, in point of fact, there is a static formula rather than a dynamic formula that changes with the years.

I want to address another aspect of the problem simply by referring to my own board situation in Hamilton, where three boards find themselves within the boundaries of a coterminous board situation, the Hamilton Board of Education, the Wentworth County Board of Education and the Hamilton-Wentworth Roman Catholic Separate School Board.

When one examines the commercial-industrial assessment in Hamilton, one notes that it is accessed by these three boards to very, very different degrees. In this threesome of boards, one has a county-wide Roman Catholic separate school board, one has a predominantly rural public board and one has a heavily urbanized public board. So you have three different kinds of boards in this calculation.

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If you look at the assessment that is available per pupil as of 1988, you will discover that the Hamilton Board of Education receives almost exactly \$200,000 to work with on an elementary basis and \$356,000 on the secondary panel, while the Wentworth county board has \$92,000 to work with on the elementary panel and \$157,000 on the secondary panel. Obviously there is a dramatic difference for people who live in essentially the same sort of sociocultural area.

Many of the people who send their children to the Wentworth county board and live in Wentworth county none the less work in Hamilton and in the very industries that are producing the

commercial-industrial assessment, and yet their board can access only less than half of the value for their youngsters as the Hamilton board can.

Turning to the Hamilton-Wentworth Roman Catholic Separate School Board, you have an absolutely cataclysmic and precipitous drop in the figures, because you find that on the elementary panel, whereas the Hamilton Board of Education accesses almost \$200,000 per pupil, the separate board is able to access only approximately 10 per cent of that, namely, \$24,000 per pupil, and on the secondary panel, whereas the Hamilton Board of Education has at its disposal \$356,000 per pupil, the separate board has \$54,000 per pupil.

When you take those figures and weigh them into the larger assessment picture, which includes the residential assessment picture, you find that the separate boards on the residential base, the county boards and the Hamilton board are roughly equivalent, but the overall impact of the commercial-industrial deficiencies for the Wentworth county board drops them almost \$100,000 lower in their secondary panel, and for the separate school board it reduces them to less than 50 per cent of the secondary assessment that is available to the public board.

Obviously there have been some very dramatic differences and some dramatic inability to finance education on a roughly equitable basis within the Hamilton-Wentworth region. In those terms, this proposal makes a great deal of sense and will benefit quite significantly the Wentworth county board and the Hamilton-Wentworth Roman Catholic Separate School Board and the pupils who attend school within them. Certainly it will create a degree of equity within that small region.

However, it is critically important that the ministry be totally upfront and totally fair and generous in its response to public boards that are going to lose significant degrees of access to the commercial-industrial assessments. The Hamilton public board has been on official record as opposing pooling in the broad sense for reasons that I suggested earlier, and it has declared its extreme uneasiness with what is proposed under this piece of legislation. If I might try to detail why, I think members will understand their concern.

The Hamilton board of education spends \$221 million on education every year; \$64 million of that comes from the province. In other words, it receives a percentage of its ceiling expenditures of 29 per cent from the provincial government. It is very interesting to note that if one goes back to

the critical year of 1975, the Hamilton board at that time received a 55 per cent contribution from the provincial government. The province today contributes only 29 per cent of the education expenditures in that board.

That being the case, when one turns to the proposal that was announced in the context of the 1989 budget, and which Bill 64 details for us, in the first instance, the Hamilton board of education would lose \$14 million in access to assessment. At the same time, it would pick up \$8 million in additional moneys just by virtue of the way in which the formula works. As a somewhat poorer board, having \$14 million taken out of its taxing capacity, it would be eligible for \$8 million more of income from the provincial government as a matter of course. But that leaves it still with a deficit of \$6 million, which interestingly is roughly equivalent to the amount that the separate school board in our region would get in return: \$6,494,496.

If the government allocates roughly the amount of money it has been talking about in the course of discussing this proposal and putting it forward, namely, somewhere of the order of \$165 million or \$180 million—the two figures appear in various bits of literature—as a contribution to the public boards to make up for their losses under Bill 64, then the public board would receive \$3.7 million from the provincial government to address to its real loss. But where does that leave that board? That leaves the board with a \$2.3-million loss at the end of the day. Surely that is not intended. There are, however, 13 boards across this province which equally are real losers, as distinct from other boards which come off equitably or, in fact, are better off slightly at the end of the day as a result of the Bill 64 adjustments. But there are 13 boards like the Hamilton Board of Education which end up as losers.

I want to appeal to the minister. If he is going to implement this piece of legislation, not just with equity but with a degree of harmony in the education system and with a sense that it has been done fairly to all concerned, it is critically important that he address the needs of those boards which under the present calculations come out losers. Whether that means raising the figures from \$180 million to \$190 million or \$200 million, the extra money will be well repaid in terms of educational peace and in terms of a sense that everyone has been dealt with fairly and justly.

I come back to my main point; surely even so small an effort to achieve a greater degree of



educational equity in the province should not leave behind it a small trail of bitterness among some boards which will be dealt with unfairly, will lose resources or will not be able to address their educational responsibilities at the same level as they and their communities have been used to. I would appeal to the minister's sense of fairness and equity to take that question in hand and address it speedily before we proceed much further in this debate.

I rest my remarks there for the moment on the general principles and the general direction of this legislation, underlining once more that there is a very large issue of educational financial justice to be addressed in this province, and that sooner or later some government is going to have to address that. I would hope that this government would take it in hand, but if not, there is an alternative government in this House, and we would be happy to address that question if this government does not feel disposed to do so.

1610

**Le Vice-Président :** Questions et commentaires au sujet de la présentation du député?

**M. R. F. Johnston :** Quelques commentaires. I just wanted to say that we have another speaker following and then we are going to get the wrapup from the minister. I hope the minister is understanding that we still have a little malaise here about the guarantee of dollars, that there will not be a net loss to the various conseils scolaires, boards of education around the province of Ontario. I am thinking in French for the next bill so I apologize for that.

**Mr Pouliot:** Don't apologize.

**Mr R. F. Johnston:** I wanted to get some clarification from the minister in the case of Hamilton, as being put forward by this member, or the case of York region that has been put forward as well, or the cases of Windsor where they are indicating that there is at least a several-million-dollar discrepancy between the kind of money that the government was talking about and the kind of cost that they think they are going to face, that there be some recognition of that; and that in the case specifically of York region with its exponential growth at this time, that there is some recognition that a base of 1990 assessment be not held strictly against it as its region grows so rapidly over the next number of years through the six years over which this program will be brought in; and that in fact their real costs, their real deficit as a result of this change, the York region public board and these other boards that have been identified will be met

and not just this arbitrary figure based on a 1990 assessment or 1988 figures, whichever it seems to be.

**Mr Allen:** I think the member for Scarborough West has seized the meaning of my comments very clearly and directly, and I am happy to have them underlined. I do not think there is any point in elaborating on them any further, but the point obviously is a very critical one for the minister.

**The Deputy Speaker:** Before we proceed with the next speaker, I am sure the members, those who have not already noticed, are honoured to have with us a former member of the House, Harry Worton, in the east public gallery.

**Mr D. S. Cooke:** I will be quite brief. It is good to see Harry Worton here. Did he not represent Guelph for 126 years?

**Hon Mr Conway:** No, 30. Wellington South actually.

**Mr D. S. Cooke:** I want to start off by saying that we intend, as my colleagues have said, to support this legislation. We are somewhat disappointed, though, that it took the government so long to make this type of decision and that it is not coupled with some major reforms in financing of education.

I think, if there is anything that has upset public school boards about the whole process of implementation of Bill 30, which we all supported, it is the fact that their fears about possible losses, both losses of students and compensation and losses of financing through this piece of legislation—and it is absolutely essential, as my colleagues have said—that there be clear guarantees. If those guarantees are not in place, all we are doing is fostering more difficulties between the two school boards in communities where there are coterminous boards.

Those of us who went through the Bill 30 process understand how easy that conflict is to develop and that it is up to this government and the provincial Legislature to provide that leadership to avoid that conflict as much as possible.

When the former Minister of Education announced the introduction of this bill and the \$180 million that was attached to it to compensate public school boards, I had to chuckle because I was here, as many of us were, the day that Bill Davis came in and announced that funding was going to be extended to the separate school boards across this province. There was a standing ovation for the then Premier for the announcement because many of us had remembered the days when the Conservative Party did not support that position; but the thing that I

remember most is that the announcement included a cost estimate and the cost estimate for the entire implementation of Bill 30 according to Mr Davis that day was \$40 million.

Now, today we are dealing with a piece of legislation that the government says is going to be \$180 million. We suspect that it is going to be well over \$200 million to implement this piece of legislation so just for this aspect alone of the implementation of Bill 30 we are looking at a cost of about five times as much as Mr Davis said it would cost for the entire package.

I still believe, as a person who served on that committee, that the inaccurate information he presented to the House when he made that announcement did not help the smooth transition and acceptance across this province of extension of funding. However, that is in the past and I guess maybe you can tell when a member has been around here for too long, when he talks about past experiences on committees.

I do want to put forward some of the difficulties we have had down our way, because I think the four school boards, the two in the county and the two in the city, where there is about a 50-50 split in student population between the separate boards and the public boards, demonstrate clearly the need for provincial assistance and the need for the province not to phase things in over six years and not to wait to study financing of education for a longer and longer period of time, but to move quickly to make sure we have equality of access to quality programs right across the province.

The current minister may not remember, although I am sure he does—he was not the minister at the time—but the two separate school boards down our way and I think also over into the Sarnia area and over into Middlesex, all projected deficits and ran deficits while they were waiting for this legislation to be implemented and to be announced.

The deficits were absolutely essential, even though they are illegal under the Education Act. There is no way they could have continued to provide anywhere near the quality of education they provide now, which is, as my colleagues the members for Scarborough West and Hamilton West have indicated through statistics presented by the boards, not equal now to the big city boards or to the public boards, because they do not have the commercial and industrial assessment that large urban areas and city boards have, and public school boards have had, so they ran deficits.

What was the response of this government to the two separate school boards down our way, both of which need substantial amounts of capital to meet the demand for student places? The response from the provincial government was, "If you run your deficits, we're not going to give you any capital funding." It held to that. Eventually, we got this, but in the meantime the separate school boards had to get involved in massive cutbacks of education down our way because they had projected and had budgeted for deficits that I think were in the neighbourhood of a couple of million dollars.

I still think, I thought at the time, we met with the boards that they were right and that it was appropriate for them to use the tactic of deficits in order to protect their students, and that this government was wrong for taking so long to make this policy announcement. This is by no way going to solve their problem in its entirety.

The six-year phase-in period is going to be extremely difficult on the separate school boards. The lack of any recognition of implementation of the 60 per cent commitment that the Liberals made when they were in opposition for funding of education in this province, means that county boards are going to continue to suffer in comparison to city boards and separate boards are going to continue to suffer in comparison to public boards.

I do not believe the long-term solution is regional or province-wide pooling. I think the solution clearly is a total reform of education financing and that means the province should be picking up a minimum of 60 per cent of the cost of education in this province. That is not 60 per cent based on the spending ceilings this government sets, but a recognition that the spending per pupil across this province is much higher than this provincial government recognizes. That means that the spending ceilings for grant purposes set by this government are totally and completely unrealistic and bear no relationship to the cost of providing a quality education across this province.

There has to be some major reform and it is really remarkable to hear this minister, the previous minister, and the minister before that give their explanations as to why they are up to 55 per cent. I guess it is 55 per cent of some ceiling that does not resemble at all the real cost of putting a student through. I think it is terribly unfair.

**1620**

If we recognize and accept that in the health care field we should have equal access to quality



health care across this province, then I think that same principle should be applied to education in this province and it is not being applied at all because the resources, the income, the cash is not available in a uniform way across this province.

The programs that can be made available in Toronto are remarkable. There is a wide range of programs that are available in this community that there is no way my community can offer to its students, and in the county, they cannot even offer the programs that the city of Windsor offers to its students.

The pay that is available and support services that are available in urban boards compared to county boards are much superior, again, because rural boards and separate boards cannot afford those support services. Their pupil-teacher ratios are much higher in separate boards and in county boards because they simply do not have the wealth to provide those necessary services and smaller class sizes so that we can provide good quality, individual experiences in our educational system.

I have one other point that I want to make. Again, the Macdonald commission, one of its specific recommendations for my community was that the two Catholic boards, the Essex County Roman Catholic Separate School Board and the Windsor Roman Catholic Separate School Board, as well as the Windsor Board of Education and the Essex County Board of Education should amalgamate so that instead of having four boards, we would have two boards.

No matter what the political risk that is involved in that, I supported that recommendation, raised it at several school board meetings both with county trustees and city trustees, and I know the resistance that exists in the county to amalgamation, but we could not even get this government to study the idea of amalgamation of those boards. They said, "We will leave it at the local level, and there has to be a request from the local level."

The minister knows as well as I do that there simply will not be a request from the local level. They are quite satisfied to have two boards where we have huge numbers of trustees representing the public at both levels. They are quite satisfied to have four directors of education, each making not quite three times as much as we make, but making substantial wages as directors of education, more than I believe the deputy minister was getting paid, at least until a couple of years ago. They are quite satisfied to have duplication of financial services and other business services, computer services, all of which with some

amalgamation and some streamlining would, in fact, be able to provide more cash in the classrooms.

But this government, even though it accepted the Macdonald commission or received the Macdonald commission, was not even prepared to show some leadership to study the issue and that is all I asked, that there be a local committee set up to study whether the merits and the negative effects of amalgamation of the boards, and that has not even happened.

If that had happened, obviously, there would have been some sharing of the wealth. The urban wealth that exists in the city of Windsor would have been able to be shared with the county where they are much lower in commercial and industrial assessment.

I think if the minister is interested in providing more equity, in terms of quality of education across the province, at least in that area, he could move quickly by setting up a local committee to look at amalgamation of the two boards, supported editorially by the Windsor Star, and I am sure supported by anyone who cares about saving taxpayers' dollars and putting those dollars back into the classroom where they benefit the students of this province.

**Hon Mr Conway:** I would be happy to wind up. I really have enjoyed this debate and I want to say to my friends in the third party that I have particularly enjoyed their participation. In the third party, I have found their interest in this matter to be special and I say that quite seriously to my friend the member for Burlington South (Mr Jackson) who I thought presented a very thoughtful and wide-ranging analysis of his views with respect to the whole question of educational finance.

I must say to my friend the member for Hamilton West (Mr Allen), with whom I have shared this place for purposes of educational debates in the past, I never thought I would hear a socialist say the things I just heard my friend the member for Windsor-Riverside (Mr D. S. Cooke) say—a socialist who is out there to reduce bureaucracy.

It is a brave new world, I say to my friend from Vanier, when the member for Windsor-Riverside presents the kind of observations that he just did.

**Mr Pouliot:** But, Your Grace, aren't you going too far?

**Hon Mr Conway:** I might be. It is a long way.

**Mr D. S. Cooke:** Instead, you're defending bureaucracy.

**Hon Mr Conway:** I am not defending any bureaucracy, because was it not Robert Michels

who said, "He who speaks bureaucracy inevitably speaks tyranny"? I am not a socialist.

**Mr Jackson:** You tyrant.

**Hon Mr Conway:** That was just one famous sociologist's point of view.

**Mr R. F. Johnston:** The tyrant from Round Lake.

**Hon Mr Conway:** It is the tyranny of distance that always causes me trouble around Round Lake, I say to my friend the member for Scarborough West. But it has been a good debate and I want to congratulate the critic for the official opposition who I thought had some very interesting things to say, not just about the bill, but about the whole question that informs this debate and that is the issue of educational finance.

I will repeat something that I said earlier and that is that I recognize, more than perhaps my remarks to this point have indicated, that there are some issues that remain unresolved—some very substantive issues. I say again, in my capacity as the member for Renfrew North, that the growing division between rich and poor, whether they are separate or public, is a concern that many members such as my friend the member for Lake Nipigon (Mr Pouliot), myself and others have. I do not want to indicate that when we pass this legislation that we have somehow ended the review that this Legislature must have about the longer-term issues in this key area of policy.

I must say I have listened as well with some real interest to the implication of some honourable members' interventions that would suggest that we should wrestle everyone to perhaps the highest spending level that can be found across the province at the present time.

**Mr Allen:** No one said that.

**Hon Mr Conway:** I did not say anybody said it, I said that there was an implication that—

**Mr Allen:** It may have been your inference but it was neither intended nor implied.

**Hon Mr Conway:** I defer to my friend the member for Hamilton West who always understands these nuances better than I do. That is right, I probably misused the words there.

**Mr R. F. Johnston:** But you did want to use that phrase desperately, even if it had no connection.

**Hon Mr Conway:** But it is true because my friend from Niagara Falls would want me to say, "What is it that the people say?" They say these school authorities spend billions, whether they

be provincial or local in Ontario. When one adds it all up I suppose we are now close to \$10.5 billion and the people in Niagara Falls, and I suspect in Oshawa and Erinsville say, "What are we getting for that multi-billion-dollar expenditure. I say as minister we are getting a lot. The system is not perfect I admit, but I think we have to say that the expenditure levels across this province when it comes to elementary and secondary education, I say to my friend from Niagara Falls, compare very well by any international standard.

I admit that we probably want to spend more money and we will spend more money—1990 will see increased expenditure for education over what 1989 has produced—but out there in the real world I am finding something of a change in public attitudes. People are not unwilling to pay, but they want more of a debate about what they are getting by way of results for this expenditure.

I think we can show good results, but we have got to in the interest of the accountability that at one point yesterday my friend from Scarborough was rightly focusing upon, we have got to in our role as responsible honourable members address not just the question of spending money, but we have got to increasingly show to the people from whom we tax these dollars that we are genuinely interested in accountability, because I am not one who accepts the natural linkage between spending a lot of money and a good educational result.

1630

**Mr Jackson:** We are painfully aware of that.

**Hon Mr Conway:** I know there is not unanimity in—

**Mr D. S. Cooke:** It does not matter which ministry you have; you say that.

**Hon Mr Conway:** Perhaps so, but I am regrettably old-fashioned in some of these respects. I was at a meeting the other day and someone said to me, "You know, Minister, it is absolutely intolerable that we do not have a gymnasium." I said, "Well, our capital plan will try to address that, but you've got to understand that bricks and mortar are not necessarily a guarantee of the kind of result you want."

We know that. My friend the member for Hamilton West knows it perhaps better than anyone. My sources tell me that the kind of lectures he offered at McMaster University speak to the kinds of things that are really excellence in education. A very good teacher, a parent who is interested in and supportive of the child's educational experience, those are the ingredients



that are absolutely central and no amount of money is going to substitute for those realities.

Yes, we are interested in addressing the questions of finance, but I have said that I am not going to be distracted in this round of my involvement in education to the extent I perhaps was last time in focusing on matters of finance and governance. I am determined to recognize those as important areas of my responsibility, but quite frankly—

**Mr Jackson:** What a difference a majority makes.

**Hon Mr Conway:** No, it has nothing to do with a majority, quite frankly. I want to say to my friend the member for Burlington South that his constituents would certainly agree with me when I say that there is a great deal of interest in the kind of teacher education, the kind of home and school relationships we are building. I was with the member for Welland-Thorold (Mr Kormos) the other morning in his constituency where we were celebrating a very creative arrangement, bringing the world of work closer to the schools in that part of the province, so I want to say that I have listened with great interest.

**Mr Allen:** They all have cost implications.

**Hon Mr Conway:** Of course they have cost implications. One of the realities about being a member of the executive council is that we have to meet those cost implications unlike my honourable friends opposite, whose role I in no way wish to diminish because I had wonderful years in that responsibility and I may very well return to it at some point in the future, but being over here you are also faced with that burden of having to provide the resources. I have listened very carefully to—

**Mr R. F. Johnston:** What a yoke.

**Hon Mr Conway:** No, it is not a yoke at all, but it is a responsibility, which I accept.

**Mr Pouliot:** What a burden. Who would want a job like yours?

**Hon Mr Conway:** I hope my honourable friend does because he is a worthy member of this assembly. I can imagine him doing all kinds of executive things in government. I do not diminish his capacities in that respect. I would simply observe that if he crosses the aisle he will find that he will have to go back to Geraldton or Beardmore and face those voters and say, “Yes, the taxes have gone up by 15 per cent because we had to meet the needs of our manifesto.”

I say to my friends opposite that we recognize this change is going to address one of the real grievances in educational finance, not that it is

going to deal with all aspects of the grievances but I think it settles one of the most persistent concerns that has been found in the Ontario educational debate over the decades.

We have said we are going to take a number of compensatory measures to recognize that there will be impacts. As a result of this policy, we will be increasing the grant ceilings in a way that is going to leave a vast majority of public boards better off, by my calculation, than they were before this change was undertaken.

Yes, if after that we find there are boards that have additional considerations, they too will be taken into serious and positive account. Without seeing the return of the rolls, I cannot at this point give the absolute final numbers because I do not know what they are, but we do know that the government has said no board will suffer a net loss of revenue as a result of this policy. I am going to stand behind that commitment. I understand the concern of the public boards out there and that is a legitimate point of view.

**Mr D. S. Cooke:** Put it in the bill.

**Mr Pouliot:** Guarantee it. That's your job.

**Hon Mr Conway:** What do I do, for example, if as a result of the return of the rolls, we are overcompensating some of the public boards by virtue of what we will do in adjusting the grant ceilings? I want to have that flexibility as well. I have looked at the data. In fact, by my calculation, a board like the Central Algoma Board of Education will be better off as a result of the changes that are contemplated.

I do recognize that there may very well be boards that are going to have additional needs as a result of this policy. I give my commitment that those needs will be recognized to the greatest extent of our capacity.

Now, I want to say what that does not mean.

**Mr R. F. Johnston:** Whoops. You were doing well before that.

**Mr Allen:** That was all right till the last few words.

**Hon Mr Conway:** No, I think it was the member for Hamilton West who talked about the concern of the York board about growth. I am not going to guarantee a board into the future.

**Mr Pouliot:** Six years.

**Hon Mr Conway:** Exactly. But if a board is taking the position, “I want from the Minister of Education some kind of absolute guarantee for the indefinite future about growth that takes place into the 21st century,” then I am not going to give that kind of guarantee.

**Mr R. F. Johnston:** Six years; their growth at six years is enormous.

**Hon Mr Conway:** I repeat that the policy of the government is to increase the grant ceilings, to compensate in every way we can so that no board—I do not want to leave any concern or confusion on the other side. The policy is that this government recognizes there is going to be an adjustment. We are going to phase this in over six years, taking that adjustment into account.

No public board is going to be in a position of a net loss of revenue as a result of this policy, period.

**Mr R. F. Johnston:** Mr Speaker, on a point of order: Would it not be appropriate then, just prior to this last sentence, if we could have the two or three minutes before that stricken from the record because it was so confusing as to his intent?

**Hon Mr Conway:** I was being distracted.

I want to be clear about the government's policy in this respect. No public board is going to be in a position of net loss of revenue as a result of this policy. We are going to be implementing this over a period of years, adding, we expect, upwards of \$180 million in new money.

**Mr Jackson:** Why won't you put those words in the bill?

**Mr Pouliot:** Tell us why not.

**Hon Mr Conway:** I have given my commitment. Those honourable members know that is not the way we write legislation in this House.

**Mr Jackson:** You said you listened to my speech with interest. You said you agreed with some of the points.

**Mr Pouliot:** We're getting snowed here.

**Mr D. S. Cooke:** Then when we get a new minister, the new minister will say, "Well, that was the other guy who said that."

**Mr Jackson:** We know how badly you want to get out of this ministry.

**Hon Mr Conway:** I hope my honourable friends view me as a colleague of honour, who when he makes a commitment is going to keep that commitment. I want to tell my honourable friends that I view this commitment seriously. My colleague the Minister of Education before me made that. The Treasurer buttressed that with his budget speech earlier this year.

I just want to make the point that when we increase the grant ceilings, a vast number of public boards are going to be better off than they were before this policy began. In fact, the impact of that additional funding, I think, is going to particularly advantage the assessment-poor

boards. It is not going to solve all their problems, I admit, but I have looked very carefully at what the impacts are going to be. I was looking at Central Algoma as one example, where under the data I have they will probably be, in fact should be, better off as a result of these changes.

**Mr R. F. Johnston:** Largely in comparison with the neighbouring board. That was my point.

**Hon Mr Conway:** But that of course raises the other issue, and that is the issue of what we do about the inequity between the assessment-rich and the assessment-poor boards. I admit there is a real issue there about which there is no consensus.

I listened very carefully to what the member for Scarborough West said and then I listened carefully to what the member for Windsor-Riverside said and I suspect there might not yet be unanimity of specific commitment within the New Democratic Party of Ontario. That would not surprise me because there is a lot of room for creative tension in that particular policy debate.

1640

**Mr Pouliot:** What about the northern boards?

**Hon Mr Conway:** What about the northern boards? I admit that the situation in many of the northern boards, and quite frankly in many of the rural eastern and southwestern boards, is something that is of ongoing concern to me.

I do not want to prolong the debate this afternoon except to say that I have enjoyed the honourable members' contributions. I have found them both interesting and illuminating, and any time a debate produces both light and heat I feel it has been a productive time in this chamber.

I look forward as we take this bill through to the next stage. I understand from my friend the government House leader that the next stage will be the standing committee on social development under the very able gavel of our friend the member for Ottawa-Rideau (Mrs O'Neill). We will have an opportunity to look at the bill more carefully and it is to that next stage that I now want to turn the attention of the House.

I conclude my remarks by thanking the members for their contribution. I recognize the support in principle. I would like to move quickly now to the next stage, because what is important from our point of view is making sure we get through the committee stage in time to get the rolls adjusted, so that they can be prepared and sent out for 1990 in a way that does not do additional administrative harm to many of the people we are anxious to assist.



Motion agreed to.

Bill ordered for standing committee on social development.

OTTAWA-CARLETON  
FRENCH-LANGUAGE SCHOOL BOARD  
AMENDMENT ACT, 1989

LOI DE 1989 MODIFIANT LA LOI SUR  
LE CONSEIL SCOLAIRE DE LANGUE  
FRANÇAISE D'OTTAWA-CARLETON

Mr Conway moved second reading of Bill 65, An Act to amend the Ottawa-Carleton French-Language School Board Act, 1988.

M. Conway propose la deuxième lecture du projet de loi 65, Loi portant modification de la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton.

**Hon Mr Conway:** I would like to address Bill 65 briefly, because Bill 65 essentially incorporates the policy ingredients of Bill 64 and applies that policy to Ottawa-Carleton where, as honourable members know, we have a conseil homogène, a French-language school board enacted by this Legislature in the previous Parliament through Bill 109. Essentially what we require and what Bill 65 provides is a designation under the policy that is before the House that takes into account the existence of the French-language school board in Ottawa-Carleton.

Very briefly, in Ottawa-Carleton, as a result of the existence of the only French-language school board in the province, there has to be an adjustment to take that designation into account. Essentially, what we have in Bill 65 is legislation that provides for four designations: a public English, a public French, a separate English and a separate French designation. It simply takes into account the existence of that French-language school board.

All of the principles of Bill 64 having to do with the division of industrial and commercial assessment, whether it has to do with publicly traded corporations, the receipts of telephone and telegraph companies or partnerships, are exactly the same. They will apply in precisely the same way in Ottawa-Carleton, but Bill 65 recognizes that in that community there is a French-language school board, so there must be a set of designations for assessment purposes that takes that into account.

That is the principle of Bill 65 and I am very pleased to recommend it to my colleagues at this time.

**M. R. F. Johnston :** J'aimerais dire quelques mots en français. Nous appuyons, comme parti,

le projet de loi 65, mais nous ne sommes pas en faveur de tout ce qui touche ce conseil scolaire à l'heure actuelle. C'est presque incroyable, mais j'ai reçu une lettre récemment de Louise Pinet, présidente de l'association de parents de ce conseil scolaire. Dans sa lettre, elle me dit : « C'est aberrant. Nous, les parents, voulons tous que l'auto-gestion du système d'éducation pour les francophones soit un succès. Pour ce faire, il faut le financement nécessaire, un budget global et, bien entendu, des fonds pour l'immobilisation.

« Le conseil n'a toujours pas de budget. » They do not have a budget yet. C'est le conseil scolaire créé par ce gouvernement il y a longtemps déjà, mais le conseil n'a pas de budget à l'heure actuelle. La sorte de changement dont on parle ici, c'est un tout petit changement, qui ne touche pas les grands problèmes budgétaires et financiers de ce conseil scolaire.

A mon avis, c'est une sorte d'insulte d'avoir maintenant le projet de loi 65 sans les autres grands changements dont on a besoin pour donner les vrais pouvoirs d'un conseil scolaire à ce premier conseil scolaire de langue française en Ontario.

Il faut parler du contexte de ce conseil scolaire pour ce projet de loi. La raison pour laquelle on n'a pas de budget maintenant, c'est les grands problèmes du recensement, qui est la base du financement de l'impôt foncier. Et maintenant le système de langue française d'Ottawa-Carleton n'a pas reçu l'impôt foncier dont il a besoin et auquel il a droit.

Au Comité spécial de l'éducation, nous avons reçu un mémoire de l'Association française des conseils scolaires de l'Ontario. Il y a un nombre de chiffres étonnant concernant les problèmes de ce conseil scolaire.

La population française de cette région est de 12,9 pour cent — selon le recensement, mais de l'avis et de l'opinion des francophones de cette région, ce pourcentage est beaucoup plus élevé. En effet, on peut regarder le nombre d'élèves dans le système d'éducation : actuellement, il y a 16,3 pour cent des étudiants qui sont francophones.

Cela, c'est la meilleure réflexion de la réalité de la population francophone de cette région. Mais quand on regarde le montant d'argent qui est reçu maintenant par le conseil scolaire, ce dernier reçoit seulement 5,9 pour cent des fonds pour l'éducation dans cette région. C'est incroyable, c'est affreux, que ça puisse exister.

La situation est telle que si on fait le rajustement de l'évaluation actuelle totale en

fonction du pourcentage de la population, le Conseil scolaire de langue française d'Ottawa-Carleton devra avoir une augmentation de 160 millions de dollars – 160 millions de dollars pour avoir un budget qui reflète la population francophone réelle de cette région. Si on veut une réflexion du nombre d'étudiants, il faut une augmentation de plus de 237 millions de dollars. C'est un montant incroyable, mais à l'heure actuelle, le conseil n'a pas de budget, parce qu'il n'y a pas d'accord sur le montant qu'il doit recevoir.

Voyez comment ce projet de loi est une sorte d'insulte maintenant, parce que le projet de loi parle d'une répartition des montants d'évaluation des taxes industrielles et commerciales. Mais le montant qu'on peut anticiper de cette façon n'est pas suffisant pour corriger le problème auquel le système de langue française doit faire face à l'heure actuelle.

Il faut dire que le système de répartition des taxes industrielles et commerciales est basé en partie sur les résultats du recensement fait pour l'impôt foncier. Si on accepte l'idée que ce conseil scolaire ignore actuellement quelle est sa population réelle pour cette raison, il faut dire que le projet de loi 65 vient seulement ajouter un autre aspect au problème, parce que le conseil scolaire recevra moins encore – même de cette sorte de répartition – que ce qu'il peut anticiper comme lui revenant de droit.

C'est incroyable, à mon avis, que j'aie reçu une lettre du conseil scolaire de langue française et des sections de langue française de l'Ontario, disant que le ministre de l'Éducation, après une période d'à peu près un mois, a refusé de tenir une réunion avec ce groupe pour parler de tous les problèmes de financement du conseil scolaire de langue française et des sections de langue française de la province. Je ne sais pas si, à l'heure actuelle, le ministre a accepté de tenir cette réunion, mais, à mon avis, c'est très important d'avoir maintenant des discussions à ce sujet pour éviter de grands problèmes au sujet de l'éducation entre nos francophones et le gouvernement.

Dans le mémoire dont j'ai parlé, les conseils scolaires qui se sont présentés au comité spécial ont touché beaucoup de problèmes. Ils ont parlé des problèmes des sections de langue française : la réalité est qu'ils n'ont pas de pouvoir réel sur leur budget. Ce sont les conseils scolaires majoritaires de langue anglaise qui ont le vrai pouvoir. La section peut dire ce qu'elle veut, mais si le groupe majoritaire au conseil scolaire n'accepte pas les montants proposés, ces mon-

tants n'arriveront jamais à la section de langue française.

C'est un grand problème, si on accepte le droit que les Cours ont accordé aux francophones de cette province d'avoir la gérance de leur propre système d'éducation. Qu'est-ce que nous avons ici ? Nous avons seulement ce projet de loi – un projet de loi qui ne touche pas la réalité. Pourquoi pas ? Parce que, comme je l'ai dit hier en anglais, la réalité dans la région d'Ottawa-Carleton, c'est que l'évaluation des taxes industrielles et commerciales correspond seulement à 20 pour cent de ce qu'on peut anticiper dans la région du grand Toronto, par exemple.

Ce changement pour le conseil scolaire de langue française ne correspond pas à grand chose, parce qu'on part d'une petite base pour faire l'évaluation des taxes industrielles et commerciales. Le véritable problème est qu'on ne reconnaît pas la réalité du manque d'argent dans le système public de langue française, en particulier dans cette région, et donc, la difficulté d'en recevoir.

Je sais que M. Grandmaitre, dans sa circonscription d'Ottawa-Est, connaît bien les problèmes de cette région. On connaîtra peut-être maintenant les problèmes concernant l'immobilisation dans ce conseil scolaire – un conseil scolaire sans budget et presque sans bâtiments. Le Ministre a reçu au mois d'octobre des lettres de la part des parents de l'Ecole Jeanne-Sauvé, qui parlent d'un problème que j'ai soulevé, il y a presque un an je pense dans la Chambre, concernant le problème d'immobilisation et de construction d'une véritable école, soit l'Ecole Jeanne-Sauvé, pour un grand nombre d'enfants dans cette région.

L'augmentation du nombre d'étudiants dans cette région qui aimeraient avoir une formation en langue française qui soit publique, et non catholique, est incroyable. On peut voir une augmentation de 80,8 pour cent en 1985, de 23,9 pour cent en 1988, et cette année, on prévoit une autre augmentation de 17,7 pour cent. Cela représente un grand nombre d'élèves qui aimeraient avoir une éducation en langue française, mais à l'heure actuelle, il leur est impossible de l'avoir.

Même si on a des lois qui existent, et que nous avons adoptées ici, la réalité est qu'il y a un manque de bâtiments, de budget et de reconnaissance du véritable besoin des étudiants de cette région.

C'est peut-être aussi le moment de parler de changer notre façon de subventionner le système scolaire de langue française. Il est peut-être



temps de parler du nombre d'enfants inscrits comme base du montant à accorder au système de langue française. Si on accepte le principe, le montant à verser au conseil scolaire suffirait à donner une formation comparable à celle que reçoivent les anglophones dans la région d'Ottawa. C'est bien possible.

Sans cela, le problème du recensement, le fait que les francophones doivent dire : « Je suis francophone, et non anglophone » pour pouvoir se faire inscrire comme francophones, c'est la raison pour laquelle nous n'avons pas suffisamment d'étudiants qui figurent sur les listes comme appuyant le système de langue française. Cet obstacle va continuer d'exister si l'on ne change pas notre méthode de financement. A mon avis, c'est le moment pour le gouvernement d'en parler, et d'accepter le principe qu'il faut aider le système de langue française par le nombre d'inscriptions reçues, et non par le recensement fait dans la région.

Si on insiste sur cette sorte d'idée, cela peut entraîner une ouverture vers la transformation de tout le système de subventions des systèmes scolaires en Ontario. La raison pour laquelle je dis cela, c'est que le système actuel est maintenant très régressif ; il y a un grand besoin de le changer et j'en ai beaucoup parlé hier. Si l'on accepte une responsabilité provinciale par étudiant comme base de ce système, on peut examiner comment changer le plafond pour refléter une responsabilité uniforme pour l'ensemble du système des conseils scolaires – pas demain, mais un jour.

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J'aimerais dire que oui, on peut voir dans les chiffres un petit changement pour ce conseil scolaire avec ce projet de loi. Cela, c'est une réalité, mais dans le contexte de tous ses problèmes, ça ne touche pas la réalité. J'espère aujourd'hui que le Ministre (M. Conway) dira à tout le monde ici ce qu'il faut faire pour changer la situation qui s'aggrave maintenant dans le système d'éducation de langue française en Ontario.

**Le Vice-Président :** Merci. Questions et commentaires au sujet de la présentation du député ?

**M. Daigeler :** J'aimerais faire quelques commentaires sur les remarques du député de Scarborough-Ouest (M. R. Johnston), qui sont peut-être à point, dans une certaine perspective, mais qui, je dirais, donnent une impression tout à fait fautive de la réalité dans la région d'Ottawa-Carleton.

Tout dernièrement – ça fait seulement deux semaines, je crois – les députés libéraux de la région d'Ottawa-Carleton, nous avons rencontré les représentants du conseil scolaire de langue française. J'ai alors demandé aux représentants de la section catholique, aux représentants de la section publique et aussi aux présidents de l'ensemble des deux sections : « Comment vont les choses ? Est-ce que vous êtes satisfaits de la situation présentement ? » Ils ont tous dit : « Oui, nous sommes très satisfaits. Bien sûr, il y a des problèmes. Il y a des choses qui sont encore à régler, mais ce n'est pas du tout différent de la situation dans les autres conseils – les conseils de langue anglaise. »

Alors, je crois, avant de faire référence à toutes sortes de problèmes, il faut d'abord souligner que la création du conseil de langue française d'Ottawa-Carleton a été un succès, que les élèves et les représentants de ce système apprécient beaucoup les initiatives du gouvernement et que la chose va très bien en dépit des difficultés qui sont encore à régler. Je crois que ce sera très important de ne pas laisser l'impression, qui semble avoir été créée par le député de Scarborough-Ouest, que la chose ne marche pas. La chose marche très bien et les gens d'Ottawa-Carleton sont très contents de ça.

**M. Grandmaitre :** Je dois appuyer mon collègue de Nepean (M. Daigeler), mais par contre, je dois dire, au crédit de mon collègue de Scarborough-Ouest (M. R. F. Johnston), que ce dernier connaît très bien la situation qui existe depuis un certain nombre d'années à Ottawa-Carleton – non seulement durant les deux ou trois dernières années, mais peut-être les 15 ou 20 dernières années.

Alors, laissez-moi rassurer mon collègue de Scarborough-Ouest que le gouvernement de l'Ontario et le caucus d'Ottawa-Carleton examinent très attentivement les activités des deux collèges. Comme l'a mentionné mon collègue de Nepean, nous avons eu l'occasion de consulter les deux côtés de la médaille : le système catholique et le système public.

J'avoue, avec mon collègue de Scarborough-Ouest, que présentement on n'a pas de budget. Par contre, laissez-moi vous assurer que le gouvernement et le Ministre (M. Conway) lui-même – de même que l'ancien Ministre, M. Ward – ont garanti au public qu'ils pouvaient continuer d'administrer, de travailler et de gérer leur boutique comme ils le faisaient dans le passé.

Alors, tout ça pour dire que l'initiative du gouvernement de créer le premier conseil de

langue française à Ottawa-Carleton, c'est une médaille à la poitrine du gouvernement. Par contre, laissez-moi ajouter que nous avons des problèmes et je veux encore remercier mon collègue de Scarborough-Ouest de tenter d'aider le gouvernement et d'aider les gens d'Ottawa-Carleton à trouver une solution — la solution qui pourra peut-être s'appliquer dans tout l'Ontario.

**Le Vice-Président :** Merci. D'autres questions, d'autres commentaires ? Sinon, est-ce que le député de Scarborough-Ouest veut conclure ?

**M. R. F. Johnston :** Pour répondre, j'aimerais d'abord dire merci pour les commentaires. J'aimerais ajouter que notre parti était totalement en faveur du projet de loi 109 et que nous sommes tout en faveur de cette sorte de changement. Quand je parle des problèmes, je ne prends pas la parole au nom du conseil scolaire en question. Les membres de ce conseil sont très courageux et ils font preuve d'une très grande confiance en acceptant les mots du gouvernement concernant leur financement. Ils continuent de travailler sans argent et de lutter contre tous les problèmes.

Je n'avais pas parlé d'une réunion avec le caucus de la région ; j'avais parlé plutôt d'une réunion avec le Ministre. C'est ça, leur demande : une réunion avec le ministre de l'Éducation. A mon avis, c'est ce qui est très important, pas seulement pour ce conseil scolaire, mais aussi pour toutes les sections de langue française de la province.

J'aimerais dire pour conclure que j'accepte le fait que l'on ait des conseils scolaires de langue française dans la province, pas seulement des sections de langue française, et qu'il faut avoir un financement et une gestion cohérents pour les francophones de la province si l'on veut changer le fait que l'éducation en langue française dans la province est inférieure à l'éducation en langue anglaise.

Je pense que c'est un défi pour le gouvernement, et j'aimerais ajouter seulement aujourd'hui que ce petit projet de loi est une toute petite portion d'une solution aux vrais problèmes qui existent maintenant dans le système d'éducation de langue française dans la province.

**Le Vice-Président :** Merci. Est-ce qu'il y a d'autres députés qui veulent participer au débat ?

**M. Grandmaitre :** En réponse, c'est vrai que le projet de loi est tout petit ; c'est un premier pas. Moi, je me souviens, en 1986, lors de la première lecture du projet de loi 8, que c'était un petit pas ; ça en est encore un. Nous avons beaucoup de travail à accomplir.

Par contre, l'initiative que le gouvernement a démontrée depuis un certain nombre d'années et

les augmentations budgétaires, surtout dans le domaine de l'éducation, nous démontrent, je crois, la grande bonne volonté du gouvernement. Ce premier collège de langue française à Ottawa-Carleton va certainement donner le goût à d'autres conseils scolaires d'en faire autant.

Tantôt, je n'ai pas eu l'occasion de répondre aux questions concernant l'évaluation des taxes industrielles et commerciales et la répartition de ces argents. Alors, tant que les deux conseils n'auront pas accepté la répartition des biens qui existent présentement au niveau catholique et au niveau public — avec l'arrivée de ce nouveau projet de loi, qui va permettre la répartition de ces argents, on peut s'attendre à certaines difficultés.

J'ai grandement confiance, comme mon collègue de Scarborough-Ouest, que la situation ne se détériorera pas. Il semble qu'il y a une impasse dans le moment, mais par contre, nous allons trouver une solution, qui existe présentement à Ottawa-Carleton, et nos solutions seront employées pour tenter de régler d'autres problèmes qui existent dans toute la province.

**Le Vice-Président :** Merci. Questions et commentaires sur la présentation du député d'Ottawa-Est ?

**M. R. F. Johnston :** C'est vrai que le député d'Ottawa-Est fait beaucoup de choses concernant les problèmes de la francophonie dans la province, et tout spécialement dans sa région.

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J'aimerais seulement dire que, si l'on est devant le Comité spécial de l'éducation maintenant et que l'on reçoit beaucoup d'initiatives francophones, on a l'impression que le gouvernement s'est retiré un peu de la bataille, si je puis dire. Peut-être que c'est parce qu'il y a plus de concentration maintenant sur le projet de loi 8, qui est maintenant devenu loi. Mais dans le domaine de l'éducation, c'est la frustration ; pas seulement à Ottawa, mais dans les sections de langue française des conseils scolaires de la province. Là, ils parlent d'une frustration totale de leur part en tant que gérants de leur propre système d'éducation.

Ils parlent des conseils scolaires de langue anglaise qui, en effet, adaptent au besoin leur budget, et qui mettent un blocage entre eux et leurs idées sur une éducation en langue française dans leur région. C'est peut-être difficile de confronter tout le temps une population qui n'aime pas beaucoup le changement, mais il y a une raison importante de dire maintenant aux francophones que le gouvernement est fort et prêt à appuyer leurs besoins en éducation. Et c'est ce



dont je parle aujourd'hui ; je suis là seulement pour dire : « Il faut être très fort ».

**M. Grandmaitre :** Très brièvement, je veux parler des frustrations et des doutes que mon collègue de Scarborough-Ouest a mentionnés. Il a parfaitement raison : ça fait tout près de 75 ans que les francophones exigent d'être instruits dans leur langue.

C'est seulement depuis les cinq dernières années que vraiment un gouvernement est déterminé à leur offrir les services nécessaires, surtout dans le domaine de l'éducation. Il a parfaitement raison de parler des frustrations et des doutes. Je veux rassurer mon collègue de Scarborough-Ouest qu'avec un gouvernement libéral et avec l'appui de son parti, je suis sûr que nous allons combler ces frustrations et ces doutes, et que nous allons en arriver à un dénominateur commun que nous allons pouvoir appliquer partout en Ontario. Je le remercie de son appui.

**Mr Allen :** That is the first time I have tried to speak in the name of another party, namely the member for Algoma (Mr Wildman).

**Mr D. S. Cooke :** No, he is in our party.

**Mr Allen :** Well, another person. Excuse me, that language is applicable to individuals as well as to groups.

I excuse myself to my colleagues who have been nobly exercising their capacities in French in this House, but not having anticipated speaking on this bill and not having had really any moments to reflect on the vocabulary that I would require, I will detract from the debate somewhat by not completing it in French.

I do want to make some comments on the legislation, not in precise detail, but in rather general terms. I was very deeply involved in Bill 75, then in Bill 109 and in the whole process of developing a structure of self-governance for the francophone community in Ontario for its own educational system. One of the great highlights and projects of that undertaking was the establishment of a French board of education in the Ottawa-Carleton region.

It was an assumption of mine that as we moved into that historic development we would be providing for that board the kind of funding basis that would make it possible for French education in that region to be the equal of any education offered in the Ottawa-Carleton area. For us to be finding ourselves and for that board to be finding itself at this point in its history as a neophyte board, a board establishing a historic role for itself and for the whole course and history of French education in Ontario, in the midst of

complicated and depressing financial circumstances, the enumeration base not being able to provide adequate funding that maintains a level of education in that board that all parties to it would have expected in the first instance—that is not a proposition, as I say, that I anticipated. That was not a development that I anticipated.

I am surprised that this piece of legislation leaves a number of problems unresolved for the financing of that board. The minister refers to this as an application of Bill 64 to that region, and in a small sense that indeed is the case, because it does provide commercial and industrial assessment access in certain ways and in certain proportions to the components of the French board in Ottawa-Carleton. But I would have thought that, given that the Ottawa-Carleton board was a single board for the Ottawa and Carleton areas, the proper approach would have been to establish that whole region as coterminous, and having created it as coterminous boards, then to apply the principles of Bill 64 across the board in that entire region so that there would have been, I think, a more substantial transfer of resources to the homogeneous French board. There would have been a six-year transition, which would have meant significant top-ups for the richer boards in that area, and at the end of the day, I think there would have been a much happier result.

But even that, I think, might not have accomplished the result that persons like myself had in mind. I think if you were making a new undertaking, as the Ottawa-Carleton French board was, the objective from the very beginning should have been to absolutely assure that board that it had the resources to provide an education for its children that was the equivalent of anything that was being offered in that area, or if one had to subtract a few pennies, it would have been so comparable that the results would have been equivalent.

I know the minister will say, as he did in the last debate, that of course, bricks and mortar and all those dollars do not necessarily add up to education of this level of quality or that level of quality. I know he could say that with additional contributions from parents in terms of their energies given into the system, they could make it much better for their children and all those kinds of things. That is always true.

That is always true, and when the minister said that the last time around, it was surely way off on a tangent that was quite irrelevant to the financing questions that we are all faced with, because if you are going to engage parents more

systematically in the education of their children, it takes some restructuring of the way a board operates, the way its consultants operate, the way its social worker outreach operates, the way in which people are related to families to cope with this problem or that problem that involves them and their children more propitiously in the education system. That all costs money, just as dollars for the gym that he was referring to that he could not afford in another system would have cost dollars.

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But to get back from all that, the simple proposition that we ought to have been working with in Ottawa-Carleton was that this was a whole special region, the whole region ought to have been coterminous and it ought to have been treated in a very homogeneous fashion with regard to access to commercial-industrial assessment.

Those essentially are the remarks that I want to make and I will leave the matter at that. I desperately hope that we are very soon going to be able to get to a point with that board where the frictions that arise out of the funding problems will be put to one side. The difficulties of creating a new historic entity have obviously been difficult ones, and they have been ones that are understandable and were part and parcel of the nature of what was being created, but that we should leave that board still with some funding problems and difficulties to make matters even worse, to exacerbate normal and natural tensions in developing that historic board, I think, was very unfortunate.

With that, I want just simply to leave the debate in the hands of my worthy colleague the member for Scarborough West who will see the rest of the bill through to its proper conclusion in his very competent fashion, which he addresses to every legislative matter that he touches.

**Mr R. F. Johnston:** Unaccustomed as I am to speaking in English, I felt I had to respond to this interjection by my colleague and say that I was hoping—and he did address many of the difficulties of financing—that part of what he might have put in his remarks would be a request for a response from the minister as he concludes his remarks today about the particular problem around l'Ecole Jeanne-Sauvé and the need to get the second stage of that construction under way much more quickly than was previously thought appropriate, because the whole capacity of the system which we are talking about today, and its overall financial problems, to merit support from its community as a public French system is

dependent on having a proper school like l'Ecole Jeanne-Sauvé for the many students who are now split up among schools all over the region.

I know that is what he was alluding to in terms of many of the difficulties he was talking about, but I was hoping he would ask specifically for a response from the minister about the escalation of funds to that particular project so that this one unique board in the province of Ontario will be able to have the kind of facilities that are needed, the basic facilities to give it the kind of education system that it needs.

**The Deputy Speaker:** Other questions and comments?

Sinon, est-ce que le député de Hamilton-Ouest veut répondre ?

**M. Allen:** Je n'ai pas de réponse. Le commentaire de mon collègue de Scarborough-Ouest (M. R. Johnston) était une réflexion et une élaboration de mon commentaire sur le projet de loi. Je pense que l'épanouissement de la culture francophone dans la région d'Ottawa-Carleton dépend sûrement et sérieusement de la qualité de l'éducation donnée par ce conseil scolaire. Donc, à mon avis, il est très important que le financement du conseil scolaire de langue française d'Ottawa-Carleton soit totalement adéquat pour cette grande tâche. Merci au député de Scarborough-Ouest de son commentaire.

**Hon Mr Conway:** What do I say? I will say this, that I will not say all that I want to say. I will show some restraint, because I found it an interesting debate.

I thank my colleagues the member for Nepean and the member for Ottawa East for their helpful interventions, and of course what could be said of the contribution en français of our friend the member for Scarborough West, so ably supported by the learned doctor, the member for Hamilton West?

It is important, I think, for me to observe that Bill 65 is about the policy contained in Bill 64, not about the several policies that honourable members opposite would like to imagine that it is about. I want to say I do not diminish the issues about which Bill 64 and Bill 65 do not deal, but it is always a very interesting ruse of any good opposition to take the ball and jump the fence and run as far afield in a debate as the chair will allow. I think honourable members in the official opposition acquitted that tradition rather well this afternoon. They certainly covered all of the canvas, whether or not it dealt with the particular—

**Mr Daigeler:** They've had a good teacher.



**Hon Mr Conway:** But I repeat that Bill 65 is specifically the legislation required to give effect to the principles of reapportioning industrial and commercial assessment in Ottawa-Carleton in the way that I indicated in my introductory comments with respect to this bill.

I will say to my friends opposite that I listened to what they had to say. The member for Scarborough West surveyed a lot of the landscape in so far as French-language education is concerned. I know you, Monsieur le Président, understand that better than, dare I say it, any of us in this assembly. When you are the member for Prescott and Russell, you understand not just the import of principle, but the genius of administration—"implementation" is perhaps a better word.

I thought my friend from Vanier and my friend the member for Nepean were very helpful in indicating what they heard when they met with the representatives of the French board in Ottawa-Carleton but days ago. It is always useful to balance what an opposition says it has heard with the reality of what a government knows or what government members have encountered, because they are not always congruent.

It stings a bit to hear my friend the member for Scarborough West talk about my unwillingness to meet. That I do not think is a fair representation in this respect—

**Mr R. F. Johnston:** Especially not since they only asked in August.

**Hon Mr Conway:** Well, I was only appointed in August. Having the responsibilities that I have, Mr Speaker, you can understand—

**Mr R. F. Johnston:** It's now November; you live in the past.

**Hon Mr Conway:** I can imagine seeking an appointment with the honourable member for Scarborough West in recent months and being told that he was unavailable because he was pursuing very important educational activities in the Baltic region, which he has told me about, and would that I could be so fortunate to have had that kind of summer.

**Mr R. F. Johnston:** I came back quickly from Eastern Europe.

**Hon Mr Conway:** I will tell the member, what he started in eastern Europe I do not know that Gorbachev will now be able to contain.

**Mr R. F. Johnston:** I wish I had the same effect here, just a little glasnost.

**Hon Mr Conway:** Comrade Krenz may regret the member's visit more immediately than anyone else.

I have met with representatives of the French-language board. When I met all of the eastern board representatives in Ottawa about a month ago they, among others there, made their representations, many of which were contained in the submission of the honourable member for Scarborough West this afternoon. I expect within a few days to be meeting the leadership of the francophone community, where we are going to talk about some of the issues that the honourable member has raised.

I like to take some credit for trying to be a reasonably available Minister of Education. I have to tell the member that the last few months have been rather more hectic than I had expected and I am trying, with the very able assistance of my parliamentary assistants, the member for Kingston and The Islands (Mr Keyes), the member for Durham West (Mrs Stoner) and the member for Northumberland (Mrs Fawcett), to address all of the scheduling requirements that this expanded jurisdiction now presents me with.

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But I want my friend to know that I have listened to the submissions of some of the representatives of the board. I read something in the Ottawa papers here a few weeks ago where someone from the board was thinking aloud about perhaps a reconfiguration. My friend the member for Nepean or the member for Ottawa East might have seen it. Somebody from the French-language board was thinking that perhaps some reunion with the Ottawa public board might be a possibility. I do not know whether that is a fair representation of that article.

As the member for Ottawa East properly said, this government is not perfect, and God knows I stand as testament to that reality, but I want to say that in the real world the Peterson government has done, I think, a very respectable job in advancing the legitimate aspirations of francophone Ontarians in respect of their educational requirements, whether they be in elementary, secondary or post-secondary education.

I personally take some pride that it was the member for Renfrew North standing here, I think, four years ago when we made a commitment that no government was prepared to make previously, that there would be a French-language board established in the national capital area. I did that because people like the member for Ottawa East and other colleagues now in the assembly and some before in previous parliaments and certainly my friend the member for Prescott and Russell—

**Mr Allen:** And on both sides of the House.

**Hon Mr Conway:** And all sides of the House, absolutely.

**Mr R. F. Johnston:** It's certainly not because you wanted to, oh no.

**Hon Mr Conway:** I did want to do it. I tell the member I did want to do it. I think I can say that I understood that in making that commitment—I think it was in December 1985—I recognized that accepting the principle would quite frankly be the easy part of the job. I know something about the history of school board relationships, not just in the province at large but in the national capital region particularly.

**Mr R. F. Johnston:** What do you know about principles?

**Hon Mr Conway:** I like to think I know a fair bit about principle. I want to say that the NDP members, God love them, they really mean well, but they can be the most elastic, the most flexible people in this business.

**Mr R. F. Johnston:** You certainly don't want us to be rigid socialists, do you?

**Hon Mr Conway:** I will tell the member they are much less rigid socialists than their rhetoric would have one believe. I do not want to revisit some of the Bill 30 business, but I watched the member for Scarborough West do a superb job as chairman, I watched the member for Hamilton West argue the historical political case with brilliance and with feeling and with absolute regard for the facts as I knew them to be, but I will tell the member I watched some others in the now official opposition engage in some calisthenics that were breathtaking as they tried to take an apparent acceptance of principle and tailor it to the winds of circumstance.

I do not want to say much more because I might become provocative, but I just want to say that the Peterson government rightly takes credit for having established the French-language school board in Ottawa-Carleton when no other government in the history of the province would do so.

**Mr R. F. Johnston:** There was only one other.

**Hon Mr Conway:** No, that is not fair to say.

**Mr R. F. Johnston:** Oh, that's not true. Harry Nixon; how could I forget?

**Hon Mr Conway:** No, the labour party had part of the action way back when and the labour party could have had part of the action in 1985.

**Mr R. F. Johnston:** I agree.

**Hon Mr Conway:** I know the member agrees. I just want to say actually, as we discuss that latter point, it is a good thing that the member for Oshawa (Mr Breaugh) is in the chair.

I just want to make the point that this government has done, I think, a great deal to meet the legitimate aspirations of the francophone community and I recognize that more needs to be done. I said to my colleague the member for from Hamilton West, and I want to repeat now, I expect very, very shortly to be releasing the reports on post-secondary education and the college sector affecting northern and southwestern Ontario. I am very anxious to make progress in that area and I recognize that we have to make progress.

I am watching with some interest, as a member from eastern Ontario, the developments associated with the startup of la Cité collégiale, the 23rd community college but the first French—

**Mr R. F. Johnston:** I am glad you are sticking to the topic better than I did.

**Hon Mr Conway:** Well, because the member made the point about other things that need to be dealt with, and I am anxious to point to that context and to say that this government, mindful of its commitments, is anxious to address those.

Are people frustrated in Ottawa-Carleton about some of the accommodation issues and some of the other issues? Absolutely. That presumably explains the flurry of litigation that we have ongoing in respect of Bill 109, for example. I am not going to comment with any specificity on that particular litigation, but I know something of the angst and of the frustration. My friend the member for Lake Nipigon (Mr Pouliot) and I were talking about an element of French-language education in his part of northwestern Ontario that concerns us both because we are agreed in principle. We are quite prepared to proceed with what I think is a very positive development, the construction of a new facility for francophones.

The question arises, what do we as mere mortals in this assembly do to try to make people agree when, for whatever reason, they just cannot seem to bring themselves to agree? There are days I wish I could legislate harmony, but I do not seem to be able to do that. Yes, I am very disappointed at some of the acrimony that has arisen in some parts of the province as we have implemented Bill 75. And yes, at times I am very disappointed by the kind of ongoing tension there seems to be in Ottawa-Carleton in this particular respect. If one reads *Le Droit* or the *Ottawa Citizen* on a daily basis, one almost despairs. I do



not despair, but I can imagine people out in the community who are anxious to know that we are providing good programs, whether in anglais or in français, who are looking at this ongoing battle around issues of governance and finance, and wondering whether there will ever be the kind of climate that will bring people together in accord with the principles which this Legislature has unanimously affirmed.

Taking up the point about accommodation, I am very anxious to meet the accommodation requirements of francophones that do arise out of the passage of Bills 75 and 109. In fact, in the case of a community in northwestern Ontario, we are ready to do it, but we are finding that there is a problem—there is no question there is a problem—and that there is real tension. We are ready to go, but local board agreement appears to be not there yet. I am hoping and expecting that we are going to be able to create the climate that will bring about a positive resolution.

Regarding Ottawa-Carleton, I will say to my colleagues in the House what I said to those school authorities when we met in the not-unimpressive boardroom of the Carleton Board of Education, which is very well known to the squire from Manotick, who was raising some of the concerns of that board earlier this afternoon. I said to those representatives that day that I was going to be very reluctant to commit new dollars to areas where it is clear that there are abundant and unused school facilities. That is not to say that I am going to be unwilling to spend additional dollars, because I recognize that we are going to have to replace buildings in many communities and we are going to have to build new facilities in fast-growth areas. But Ottawa-Carleton, by my reckoning, is a district where there is very considerable school space. I do not want to see francophones somehow held hostage to ongoing disputes between the established—

**Mr Sterling:** There are lots of portables—64 more more this year alone the Carleton board.

**Hon Mr Conway:** Of course there are portables. I do not imagine the day will ever come—whether it is a Liberal, Tory or New Democratic government—that we will so accurately—

**Mr Sterling:** The day will come, because we will meet our responsibility when we get back in government.

**Hon Mr Conway:** I do not doubt that. We will see how they do it in the future as compared to how they did it in the past.

**Mr Sterling:** The number has more than doubled in the last four years. It has taken you

four years to do what happened in the previous 25 years.

Interjections.

**The Acting Speaker (Mr Cureatz):** Order, please.

1740

**Hon Mr Conway:** I owe the House an apology, because I have awakened the sleeping giant from Carleton, and that is a dangerous thing late on the afternoon in this kind of debate.

I simply want to say that we are very anxious to accommodate the aspirations of the francophone community to good facilities; that is very understandable. But in Ottawa-Carleton I am very anxious—

Interjection.

**Hon Mr Conway:** The easy answer, of course, is just to throw more money in and say, "Let's build some more facilities." But taxpayers, whether they be anglophone or francophone, will say to us, as trustees of their provincial dollars, "Was there any need to build more new space in the face of this kind of existing plant and equipment?" I am in the middle of an interesting debate in my own home community about this very subject, and I am sure my honourable friends opposite, at least the Education critics, have heard or will hear something about this.

I feel a real loyalty to those taxpayers who say, "Listen, we are prepared to spend money, but we want some understanding from you, as our trustee of those provincial dollars, that you are not going to be building more space when we have got all kinds of underutilized capacity." That is irresponsible for me or anyone in my position to contemplate.

**Mr Sterling:** Where is there underutilized capacity?

**Hon Mr Conway:** There are lots of places in this province. I was down in Welland-Thorold the other day, and one of the things I said to the director of the Niagara South board was that I think they have done some very good work there in moving facilities around. I know it was tough, but—

**Mr Sterling:** Where is there some space in Cumberland or Gloucester?

**Hon Mr Conway:** I am not talking about a specific subset of communities within the broad jurisdiction of the Carleton board, for example, but I have too much respect for the intelligence of my friend from Manotick to take some of these interjections seriously, because I do not want to be distracted from my final point.

With the passage of Bill 65, we will ensure that the fair and equitable principles of this government's so-called pooling legislation in respect of publicly traded corporations, telephone and telegraph receipts and partnerships will be brought about in a good, fair and expeditious way in the national capital area so that they too can have the benefit of what I think is, as I said earlier, a fair and equitable policy that we are here to endorse this afternoon.

Motion agreed to.

La motion est adoptée.

Bill ordered for standing committee on social development.

Le projet de loi est déposé au Comité permanent des affaires sociales.

#### **Clerk Assistant and Clerk of Committees:**

The first order, third reading of Bill 2, An Act to amend the Courts of Justice Act, 1984.

**Mr Sterling:** On a point of order, Mr Speaker: I do not see the bill on the business paper for today. I am just wondering if it is in order to call an order if it is not on the business paper.

**The Acting Speaker (Mr Breagh):** Members will know that the single sheet which appears on their desks each day is a matter of convenience for the members. It is not meant to be an exclusionary list; the standing orders provide that the government House leader may call another order of business.

I am prepared to listen to the point of order a little bit more, but it is clear to me that the government House leader is within his rights to call a bill. The bills are printed; they are listed in Orders and Notices. Usually by arrangement or by agreement, we proceed with the business. It appears to me that he does have that right, but I am prepared to hear if there is more argument.

**Mr Sterling:** I am not aware of many occasions when there has been a bit of a conflict with regard to the calling forth of a bill.

I have talked to my people and the government House leader about Bills 2 and 3, and my concern is that the Attorney General (Mr Scott) has really abrogated all of his own personal responsibilities with regard to Bills 2 and 3. He has involved himself very little with the committee, he was not involved with the committee of the whole House with regard to the bills, and I was only told this afternoon that they would be calling Bills 2 and 3 today.

I said to the government House leader that, if the Attorney General is here, I am quite willing to stay and be here and debate Bills 2 and 3, because I want his reaction to some of the lengthy debate

in which we have been involved in committee of the whole House, particularly as to the constitutionality of these pieces of legislation, which has been called into serious question by a number of our most eminent jurists in this country.

Therefore, if it is within the rules and you rule it as such, I guess I find it the ultimate discourtesy and arrogance on the part of the government side to call a series of bills which are not outlined in the normal business of the day, which we receive every day, and in not having the minister who is responsible for this legislation here in the Legislature, when I have requested that, for third reading of this legislation.

**Hon Mr Ward:** The member will know full well that when the business of the House for the coming week was read last Thursday, the bills just dealt with, the two education bills, were to be succeeded by third reading of Bills 2 and 3. The House leaders of both opposition parties were well notified of that in correspondence from me to them. The member was present during the discussion of the coming week's business, as whip or chairman of caucus, at the last House leaders' meeting.

I think the member comes very clearly to the point he is raising. But I for one do not believe it is a point of order; I think it relates more to his own personal concern that he would like to engage the Attorney General in debate at this particular time, when carriage of this bill from the outset has been in the very capable hands of the parliamentary assistant, as provided for under at least three of the standing orders.

Frankly, Mr Speaker, I do not believe the member has a legitimate point of order, and I would ask that the debate proceed.

**The Acting Speaker:** The chair has tried to hear both sides of an argument. I think a reading of the standing orders makes it fairly clear that the government House leader does have the right to call the business as he sees fit. It is true that it is normally done in a negotiated process, but I happen to have been in the chair last week when the government gave notice of this week's business, and I concur that notice was given at that time of the way in which these bills would be handled. I do not believe there is a correct point of order on that.

The other matter that was raised by the honourable member for Carleton (Mr Sterling) is certainly a valid point of view, but again it seems to me that the standing orders are fairly clear that a parliamentary assistant may well carry a bill, and that certainly has been the practice here. Members may object to that—it is their right—but I



do not think there is any question that a parliamentary assistant can carry a bill. That has been done often in here. I think we can proceed.

#### COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Polsinelli, on behalf of Mr Scott, moved third reading of Bill 2, An Act to amend the Courts of Justice Act, 1984.

**Mr Kormos:** I will speak to this briefly. Notwithstanding the absence of the Attorney General through the course of this, he certainly did announce it on 1 May in the Legislature. I very specifically recall welcoming court reform on behalf of the New Democratic Party, because we were as sensitive as anybody to the need for meaningful reform in the courts here in Ontario.

#### 1750

That of course took place when it was merely the concept of reform that was spoken of rather than the actual bill being available for scrutiny. We have looked carefully at the legislation and have sought out and welcomed the input available to the government, indeed to all of us, from a number of bodies here in Ontario. We have spoken of them before.

While this bill was in committee, the Criminal Lawyers Association was called upon to make comment, to provide commentary, to provide input. The Canadian Bar Association—Ontario was called upon. The Advocates' Society was called upon. Each of those organizations very clearly indicated to the committee that there simply had not been enough time for their groups or their membership to be consulted, to analyse the legislation and to prepare responses for the purpose of the committee.

At the same time, each of those three groups very clearly indicated that it was eager to do just that, because they recognized that this type of omnibus and far-reaching reform was going to have impact, as was indicated by spokespeople for the government, for the next century.

What complicated the whole scenario for them was that there were a number of amendments produced and those can be seen in the bill as it is before the House today for third reading. There were a number of amendments produced that were basically last-minute amendments. These were amendments that these groups did not have an opportunity to consult about with their memberships on the bill itself. Least of all did they have an opportunity to consult with their memberships about the amendments and whether the amendments did what the government purported they did.

In addition to that, the committee was in receipt of correspondence on behalf of district court judges. It was in receipt of information from all the eminent sources people have already spoken of. They were highly critical of the legislation and were concerned that the legislation was inviting constitutional challenges that were going to be expensive for the litigants who were the victims of those challenges, once the bill was passed and, indeed passed speedily, without the consultation the government spoke of.

One of the suggestions that was put to the committee and to the government was that the government might prefer to take this bill, as it was amended, and make a reference to the Ontario Court of Appeal with the specific purpose of testing those comments made, testing the constitutionality of it and avoiding the delay and cost to the litigants were it up to them to be participants in a constitutional challenge, which undoubtedly would go not just to the Ontario appellate court but in all likelihood to the Supreme Court of Canada.

Well, in committee the government did not even acquiesce in a most modest request, and that was to say that the committee defer consideration of the Bill 2, and quite frankly its companion Bill 3, for a period of, as I recall it, about four to six weeks, into the month of September so that these bodies, groups such as the Criminal Lawyers Association, the Canadian Bar Association—Ontario and the Advocates' Society could prepare their submissions.

The status of this legislation became even more alarming when we found out—it was certainly not because the parliamentary assistant or the Attorney General (Mr Scott) made this information available to the opposition parties—about the 28 September correspondence from Chief Justice Dickson of the Supreme Court of Canada, correspondence from the Chief Justice to the Attorney General.

As I say, it is not only disappointing but perhaps very telling that the Attorney General did not share that correspondence either with the committee members or, as I understand it, with other members of this House, certainly not the participants in the committee process. It is very disappointing, and as I say perhaps very telling, because that letter of 28 September, from certainly one of the outstanding legal minds in the country, one of the outstanding legal minds of all, continued the suggestion that there was good reason for concern.

That this would be unheeded by the government is quite frankly frightening. It is a letter dated 28 September, which the Leader of the Opposition (Mr B. Rae) confronted the Attorney General with. It postdates all the supposed cures that according to the parliamentary assistant had been effected to clean up constitutional problems, which says something in itself. It indicates there was an acknowledgement of an awareness of constitutional problems inherent in the legislation.

This letter of 28 September postdates any and all of the amendments that were sneaked in here—I am sorry—put in place through the committee here. Notwithstanding those amendments, the Chief Justice of the Supreme Court of Canada still has concerns about the constitutionality: frustrating, disappointing and frightening, particularly for those litigants who are going to be victims of an expensive and lengthy process when they seek recourse in the courts.

That is but one concern that is so obvious about this. One has to ask the question, in view of the fact that we are changing perhaps a century of courtroom structure and preparing for another century of new reformed court structure, one wonders what the haste in this respect is all about. Why is there this obvious effort on the part of the government to speed this through? Why does the government not want these groups, the Canadian Bar Association—Ontario, the Advocates' Society and the Criminal Lawyers Association, to analyse, comment on and perhaps critique the legislation? Those questions have never been answered by any member of the government in the committee, and certainly not by the Attorney General.

Not only that, but then to talk about having been involved in the consultative process: Perhaps all of us should merely know better because comments about the consultative process reigned throughout the discussion of Bill

162, the amendments to the Workers' Compensation Act. I recall the minister and the parliamentary assistant to the minister declaring here in this House, in public forums and reported in the press that consultation had taken place.

In fact, in that instance an expensive little pamphlet, a little bit of propaganda, prepared by the government in print, said that the government had engaged in this consultative process with injured workers. Yet when the committee travelled around the province, hindered as it was by the unwillingness and the reluctance of the government to take that committee out and listen to submissions from injured workers and other interested groups in the community—

**Mr Callahan:** Point of order.

**Mr Kormos:** Oh, here we go.

**Mr Callahan:** On a point of order, Mr Speaker: The member is reflecting on a bill that has already been passed by this House and I believe the standing orders say that if he wishes to do that, he can only do that if he wishes to move to have the vote taken again, or to have it rejected or something to that effect.

**The Acting Speaker (Mr Breagh):** As a matter of fact, that is certainly a valid point of view but hardly a point of order, but I was going to point out to the member that we are approaching 6 o'clock and perhaps he would adjourn the debate.

**Mr Kormos:** I know I touched a nerve there and we will carry on with that little theme tomorrow, this lack of consultation on the part of this government that was prevalent throughout Bill 162. There were a lot of misinformed people on the government side, as is evident here.

On motion by Mr Kormos, the debate was adjourned.

The House adjourned at 1800.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

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**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaitre, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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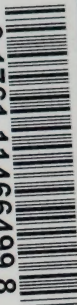




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